CITY OF NEWPORT BEACH PLANNING COMMISSION STAFF REPORT

December 6, 2012 Meeting Agenda Item 3

SUBJECT: Plaza Corona del Mar (PA2010-061)

SITE

LOCATION: 3900 and 3928 East Coast Highway

Conditional Use Permit No. UP2012-011
 Modification Permit No. MD2012-011
 Site Development Review No. SD2012-001

Tentative Tract Map No. NT2012-001

Variance No. VA2012-002

APPLICANT: Marcelo E. Lische, Architect AIA

PLANNERS: Jaime Murillo, Associate Planner

(949) 644-3209, jmurillo@newportbeachca.gov

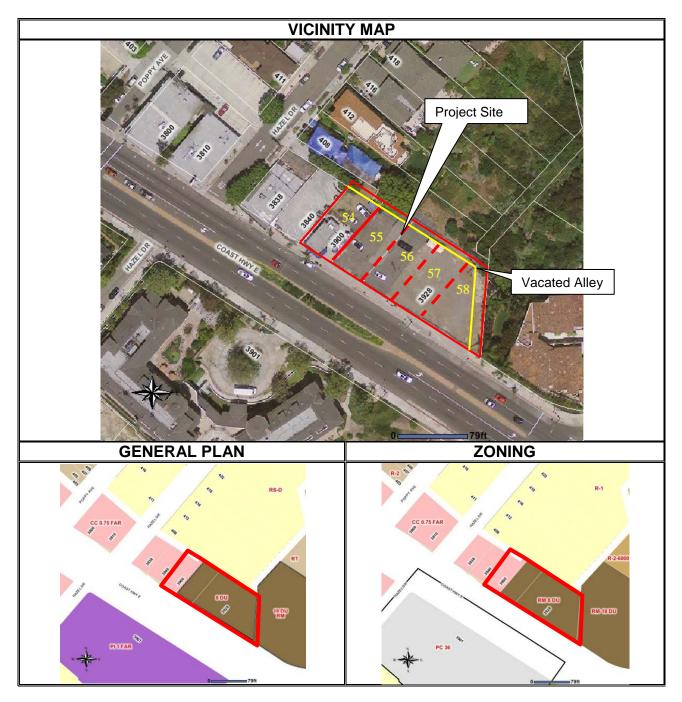
Makana Nova, Assistant Planner

(949) 644-3249, mnova@newportbeachca.gov

PROJECT SUMMARY

The applicant is proposing to construct a horizontal mixed-use development that includes six detached dwelling units above a common subterranean parking structure, a 2,160-square-foot office addition above an existing 535-square-foot delicatessen (Gallo's Deli), and a 10-space shared, ground level parking lot. The following approvals are requested or required in order to implement the project as proposed:

- 1. A site development review to ensure compatibility with the site and surrounding land uses:
- 2. A conditional use permit to allow parking for nonresidential uses in a residential zoning district and to allow approval of off-site parking;
- 3. A modification permit to allow construction of a retaining wall that is up to 17-feet 2-inches in height, where the Zoning Code limits the height to 8-feet maximum;
- 4. A tentative tract map for condominium purposes and to consolidate five lots and portions of a vacated alley into two lots; and
- 5. A variance for the residential structures to establish a 15-foot front setback and corresponding buildable area, where a 20-foot setback is currently required.



LOCATION	GENERAL PLAN	ZONING	CURRENT USE
ON-SITE	Corridor Commercial (CC) & Multiple-Unit Residential (RM)	Commercial Corridor (CC) & Multiple Residential (RM)	Delicatessen & vacant lots
NORTH	Single-Unit Residential, Detached (RS-D)	Single-Unit Residential (R-1)	Single-unit dwelling
SOUTH	Private Institution (PI)	Emerald Village Planned Community (PC-36)	Assisted living facility
EAST	RM	Multiple Residential (RM)	18-unit condominium complex
WEST	CC	CC	Restaurant and office

RECOMMENDED ACTION

- 1) Conduct a public hearing; and
- 2) Adopt Resolution No. ___ approving Conditional Use Permit No. UP2012-011, Modification Permit No. MD2012-011, Site Development Review No. SD2012-001, Tentative Tract Map No. NT2012-001, and Variance No. VA2012-007 (Attachment No. PC 1).

INTRODUCTION

Project Setting

The project site is located at the east end of the Corona del Mar commercial corridor at 3900 and 3928 East Coast Highway. The property consists of five underlying legal lots and portions of a vacated alley that total 19,171 square feet (0.44 acres) of land area (see vicinity map).

The westerly portion of the property (3900 E. Coast Highway) is developed with a 535-square-foot delicatessen (Gallo's Deli) located on an individual lot (Lot 54) and adjacent vacated alley. The northwesterly corner of this lot slopes up in grade approximately 17 feet in height. The remaining four lots (Lots 55-58) and vacated alley (3928 E. Coast Highway) are relatively flat and are currently undeveloped and covered with gravel. A total of three curb cuts currently provide access to this undeveloped area, which was previously developed with a service station. The service station was demolished and remediated in the early 1990's. Existing site photographs are included as Attachment No. PC 3.

The project site is bounded by the Buck Gully canyon on the northeast, a single-unit dwelling, restaurant and commercial building on the northwest, and an attached 18-unit condominium development on the southeast. An assisted living facility is located across East Coast Highway from the project site.

Project Description

The applicant owns all five lots and portions of the adjacent vacated alley and is proposing to redevelop the site as a horizontal mixed-use development that includes a residential and commercial component, and a shared 10-space ground level parking lot (Project Plans- Attachment No. PC 4). For the residential component, the westerly four lots and portions of the vacated alley are proposed to be consolidated into one parcel and developed with six detached dwelling units above a subterranean parking structure. For the commercial component, the applicant proposes to retain the existing 535-square-foot delicatessen on the easterly lot and construct a 2,160-square-foot second floor office addition above. The shared 10-space ground level parking lot would be located primarily on the proposed residential parcel; however, a majority of the spaces

are intended to serve the commercial component portion of the project. Each component is described in more detail below.

Residential Component - 3928 East Coast Highway

The four underlying lots and portions of the vacated alley are proposed to be consolidated into one 15,495-square-foot parcel¹ and developed with six detached residential condominium units above a common subterranean parking structure. The proposed architecture consists of a contemporary or modern style with exterior materials consisting of stucco, metal roofing, aluminum windows and doors, and glass railings. Three units front onto East Coast Highway and three units front Buck Gully at the rear. Each unit is similar in design with three levels of living area above grade. A building separation of either 10 feet or 6 feet is provided between each unit. Each unit is designed with sloping roofs with overall heights of 33 feet. The units range in size between 1,808 square feet to 2,657 square feet of living area. One unit (Unit C) has been designed to be accessible for persons with disabilities.

Access to the project site would be provided via two driveways on East Coast Highway. The easterly driveway would serve as the project's primary access for residents into the subterranean parking garage. The westerly driveway would serve as a shared driveway with the commercial component and would provide access to a majority of the residential guest parking.

The subterranean parking garage would accommodate a total of 12 resident parking spaces located in individual garages (with the exception of a covered van accessible space for Unit C) and two additional covered guest spaces. Each of the individual garages includes space for vehicle parking, laundry facilities, and an internal elevator. Access to the ground floor level is also provided via two stairwells. The remaining required guest parking would be provided within the adjacent ground level shared parking lot that also serves the commercial component of the project.

Commercial Component – 3900 East Coast Highway

The applicant is proposing to consolidate the underlying legal lot and portion of the adjacent vacated alley into one 3,676-square-foot parcel¹. The existing 535-square-foot commercial building (Gallo's Deli) would be retained and a new 2,160-square-foot office addition would be constructed above. The proposed architecture of the addition and exterior façade of the existing commercial building would consist of a similar contemporary or modern style as the residential component with exterior materials consisting of stucco, block, metal roofing, and aluminum windows and doors. A common elevator and stairway would provide access to the second floor office area. Two

¹ Proposed plans included as Attachment PC4 incorrectly label and illustrate the proposed residential lot (Lot 1) as 15,577 SF and the proposed commercial lot (Lot 2) as 3,594 SF due to a mapping error. An approximately 82 SF area illustrated at the northeasterly corner of proposed Lot 2 is inadvertently illustrated as a portion of proposed Lot 1. Revised plans will be provided prior to the 12/06/12 meeting.

separate offices are proposed with a common restroom. A defined 125-square-foot outdoor dining area would continue to serve the existing food use.

A retaining wall would be constructed at the northwesterly corner of the site to provide additional area for parking, vehicular turn-around, and a shared trash enclosure. The retaining wall would measure 17 feet 2 inches in height at its highest point and would slope down consistent with the adjacent grade (See Sheet A-5 of Attachment PC 4). The nine parking spaces required for the commercial use would be provided within the shared 10-space parking lot.

Background

According to the applicant, the existing food use was established on the site as early as 1975. On August 15, 1995, Specialty Food Permit No. 38 (Attachment No. PC 5) was approved allowing the food use to expand with a 125-square-foot outdoor patio and established a maximum seating/stand-up counter space for 20 customers. No on-site parking was provided. Permitted hours of operation are from 7:00 a.m. to 9:00 p.m., daily. The existing food use would continue operating as a vested land use under Specialty Food Permit No. 38 upon completion of the proposed project.

DISCUSSION

General Plan

Residential Component

The Land Use Element of the General Plan designates this portion of the site as Multiple Residential (RM, 8 DU), which is intended primarily for multi-family residential development containing attached or detached dwelling units. The site is limited to a maximum of eight dwelling units. The proposed project consists of six detached dwelling units, which is consistent with the land use designation of the site.

The size, density, and character of the proposed residential dwelling units complement the existing land uses in the project area and include design elements consistent with Land Use Element Policy 5.1.9 (Character and Quality of Multi-Family Residential) that requires multi-family dwellings to be designed to convey a high quality architectural character. Consistent with this policy, the architectural treatment of the building includes high quality finishes and modulation of mass to convey the character of separate living units and avoiding the appearance of a singular building volume. The roofs have been designed with inverted sloping planes to provide visual interest. Significant private open space would also be provided in the form of large balconies and yard areas, and further complemented with additional common recreational open space area to provide a pleasant living environment. In addition, the project is consistent with the goals and objectives articulated in the Housing Element of the General Plan, including Policy H 2.3, which encourages the approval of, wherever feasible and appropriate, mixed

residential and commercial use developments that improve the balance between housing and jobs.

Commercial Component

The Land Use Element designates the commercial component portion of the project as Corridor Commercial (CC), which is intended to provide a range of neighborhood-serving retail and service uses along street frontages that are located and designed to foster pedestrian activity. In addition, the Land Use Element also includes Goal LU 6.20 and Policy LU 6.20.1 related to sustaining Corona del Mar as a pedestrian-oriented retail village that serves surrounding neighborhoods and encourages neighborhood serving uses. The commercial component provides for new office space above an existing small delicatessen, which fronts East Coast Highway, fostering pedestrian activity. The existing delicatessen will continue to serve the neighborhood, and the new office space will complement the existing development. Therefore, the land uses within the proposed project are consistent with the land use designations and policies for the property.

Also, Policy 6.20.3 encourages the redevelopment of residential parcels immediately adjoining commercial uses that front Coast Highway for surface parking, provided that adequate buffers are incorporated to prevent impacts on adjoining residential uses. The proposed project requests a shared parking orientation that is consistent with the policy overview for the Corona Del Mar corridor.

Additional discussion related to project compliance with other applicable General Plan policies is included in California Environmental Quality Act (CEQA) Categorical Exemption determination, which the project meets the criteria for (Attachment No. PC 6).

Zoning & Site Design

Residential Component

The residential component of the project is located within the Multi-Unit Residential (RM) zoning district. The intent of the RM zoning district is to provide for areas appropriate for multi-unit residential developments containing attached or detached dwelling units. The proposed six-unit residential condominium development is consistent with this designation and complies with all applicable development standards, with the exception of the front setback and buildable area. The following table provides a summary of the project's compliance with applicable development standards and deviations requested:

Table 1- Residential Component Zoning Compliance			
Development Standards	Required	Proposed	
Lot Size	5,000 square feet min. for newly created lots	15,495 square feet (requires tract map)	
Min. Lot Size Per Unit	1,200 sq. ft./unit	2,582.5 sq. ft./unit	
Max. Density	8 dwelling units	6 dwelling units	
Setbacks			
Front	20 feet	15 feet (requires variance)	
Side	13 feet 8 inches (8% of avg. lot width)	23 feet 5 inches (west) 29 feet 9 inches (east above grade) 13 feet 8 inches (basement)	
Rear	10 feet	10 feet	
Height	28 feet for flat roofs or parapet walls	33 feet sloped roofs	
	33 feet for sloped roofs		
Buildable Area (lot size minus setbacks)	8,402 sq. ft. (utilizing 20-foot front setback)	9,175 sq. ft. (utilizing 15-foot front setback: requires variance)	
Maximum Floor Area ^{1,2} Buildable Area x Floor Area Limit (FAL)	12,603 sq. ft. (1.5 FAL)	13,703 sq. ft. (requires variance) (Approx. 1.63 FAL w/required buildable area) (Approx. 1.49 FAL w/proposed buildable area)	
Open Space			
Common (75 sq. ft./unit)	450 sq. ft.	533 sq. ft.	
Private (5% of gross floor area/unit)	Varies 90-sq. ft. to 133 sq. ft.	Complies 158 sq. ft. (7.2%) to 458 sq. ft. (22.98%)	
Parking			
Resident (2 per unit covered)	12 spaces	12 spaces11 in private garages1 covered van accessible	
Guest (0.5 per unit)	3 spaces	3 spaces • 2 in subterranean structure • 1 in surface parking lot	
Total	15 spaces	15 spaces	
Solid Waste and Recyclable Materials	16 sq. ft. refuse 16 sq. ft. recycling 32 sq. ft. total	56 sq. ft. total (located in a 112 sq. ft. trash enclosure area shared with commercial component)	

¹ Per Section 20.18.030, up to 200 square feet of floor area per required parking space devoted to enclosed parking shall not be included in calculations of total gross floor area.
² Per Section 20.70.020, the definition of "Gross Floor Area" for multi-unit residential structures excludes

² Per Section 20.70.020, the definition of "Gross Floor Area" for multi-unit residential structures excludes parking structures. The proposed subterranean parking structure has been excluded from the floor area calculation, with the exception of the private garages.

Commercial Component

The commercial component of the project is located within the Commercial Corridor (CC) zoning district. The intent of the CG zoning district is to provide a range of neighborhood-serving retail and service uses along street frontages that are located and designed to foster pedestrian activity. The proposed commercial building is consistent with this designation in that it would maintain the existing neighborhood-serving food use on the ground level and provide new commercial office uses on the second level. The proposed commercial building complies with all applicable development standards, with the exception of the height of the retaining wall located at the rear of the site and the off-site parking arrangement. The following table provides a summary of the project's compliance with applicable development standards and deviations requested:

	Table 2- Commercial Component	Zoning Compliance
Development Standards	Required	Proposed
Lot Size	5,000 square feet min. for newly created lots	3,676 square feet (pre-existing legal lot)
Setbacks		
Front	0	0
Side	0 abutting commercial 5 feet min. abutting residential	0 abutting commercial to west 6 feet 4 inches to residential lot to east
Rear	5 feet min. abutting residential	10 feet 7 inches –commercial building 5 feet - trash enclosure
Height	32 feet for flat roofs or parapet walls 37 feet for sloped roofs	27 feet 6 inches flat/parapet
Floor Area	0.75 FAR	0.73 FAR
Ratio	(2,757 sq. ft.)	(2,695 sq. ft.)
Parking	 9 spaces total: Office (1/250 sf) 2,160 sf / 250 = 9 spaces Specialty Food Use (1/250 sf) 0 spaces required per SFP#38 	 9 spaces total: 2 spaces on-site 7 spaces off-site on adjacent shared parking lot (requires conditional use permit)
Solid Waste	16 sq. ft. refuse	56 sq. ft. total
and Recyclable Materials	16 sq. ft. recycling 32 sq. ft. total	(located in a 112 sq. ft. trash enclosure area shared with residential component)
Parking Lot Landscaping	 Setback and open areas landscaped 5-foot-wide perimeter landscaping adjacent to right-of-way 5-foot-wide landscaped buffer adjacent to residential 1 tree /30 sf of landscaped area 1 tree/5 spaces 6-foot-high wall to buffer residential 	Complies

Findings

The following sections of this report discuss each of the applications required to implement the proposed project, findings required to approve the requested applications, and summary of facts in support of such findings.

Site Development Review Findings

Pursuant to 20.52.080 of the Zoning Code, residential developments of five or more units that are processed in conjunction with a tentative tract map require site development review by the Planning Commission. Technically the commercial component of the project is not subject to site development review; however, because the proposed project is essentially a horizontal mixed-use development with a shared parking lot, the following analysis addresses the project as a whole. The required findings and the facts in support of these findings are discussed below:

Table 3-Site De	evelopment Review Findings and Facts in Support of Findings	
Finding	Facts in Support of Finding	
Allowed within the subject zoning district	The proposed detached residential condominiums are permitted uses within the RM zoning district. The commercial component of the project would consist of a general office and food use, which are permitted uses within the CC zoning district. The food use is an existing use which would continue operating under Specialty Food Permit No. 38.	
2) In compliance with all of the following applicable criteria		
a) Compliance with this Section, the General Plan, this Zoning Code, any applicable specific plan, and other	The proposed residential component is consistent with the RM General Plan land use designation and RM zoning district. The proposed general office and food use within the commercial component is consistent with the CC General Plan land use designation and CC zoning district. The applicant is requesting a conditional use permit, variance, and	
applicable criteria and policies related to the use or structure	modification permit to allow for a number of deviations from the zoning standards. These requests are being reviewed concurrently with the site development review.	
b) The efficient arrangement of structures on the site and the harmonious	The residential and commercial components of the project are integrated as a unified development through the use of similar architectural style and design elements, shared use of parking, and internal pedestrian circulation.	
relationship of the structures to one another and to other adjacent developments; and whether the	The proposed office addition above the existing food use has been designed to improve the aesthetics of the site and improve the commercial presence and interface on East Coast Highway. Also, due to the difference in grade and the increased setback, the project provides increased privacy and open space to the residential property to the rear.	
relationship is based on standards of good design	Consistent with General Plan Policy 6.20.3 and Policy Overview for Corona del Mar, to facilitate redevelopment of the commercial lot, parking spaces required for the office addition would primarily be accommodated on the adjacent residential lot. The parking spaces would also serve as an area for guest parking for the residential development. This shared parking arrangement provides flexibility to	

Table 3-Site Development Review Findings and Facts in Support of Findings		
Finding	Facts in Support of Finding	
c) The compatibility in terms of bulk, scale, and aesthetic treatment of structures on the site and adjacent developments and public areas	 Facts in Support of Finding	
	commercial and residential uses and is designed to maintain privacy and protection for the residential tenants.	
d) The adequacy, efficiency, and safety of pedestrian and vehicular access, including drive aisles, driveways, and parking and loading	 The project would consolidate and minimize the three existing driveways along East Coast Highway into two driveways, thereby reducing potential conflicts and increasing vehicular safety. The elimination of a driveway also increases the number of on-street parking spaces along the project frontage from 2 spaces to a total of 5 spaces (3 new spaces). The residential component includes separate and independent access 	
spaces	via the easterly driveway into a subterranean parking structure. Furthermore, each residential unit would be afforded a private enclosed	

	velopment Review Findings and Facts in Support of Findings
Finding	
e) The adequacy and efficiency of landscaping and open space areas and the use of water efficient plant and irrigation materials	garage with direct interior access to their units. The project results in a total peak parking requirement of 24 surface spaces (nine spaces for the commercial office floor area, 12 residential parking spaces, and three residential guest parking spaces), which can be provided entirely on-site site within the 14-space subterranean parking lot and the 10 space surface parking lot. The existing specialty food use was approved as Specialty Food Permit No. 38 without any required parking and will continue to operate as a vested land use right. The 10-space surface parking lot would be accessed via the westerly driveway and would accommodate parking for the commercial uses and guests of the residential units. The shared parking arrangement allows for flexibility for use of the parking spaces during the varying peak parking demands of the commercial and residential uses. The project provides adequate sight distance at each driveway, as determined by the City Traffic Engineer. The proposed surface parking lot has been designed to accommodate and provide safe access for emergency, delivery, and refuse collections vehicles, as determined by the City Traffic Engineer. The project would include enhanced pedestrian walkways that provide access between the various uses and within the project site, and to the surrounding public sidewalks and uses. The residential component includes the enhanced use of landscaping, including a variation of ornamental groundcover, vines, shrubs, and trees, to help soften and buffer the massing of the condominium units from the commercial uses to the west, residential uses to east, and from East Coast Highway. The shared parking lot complies with the landscape parking lot requirements of NBMC Sec. 20.40.070.D.3 and includes adequate and effective use of ground cover, hedges, and shade trees. The parking lot is also screened from East Coast Highway by a 5-foot-wide planter. A six-foot-high block wall and row of columnar trees would be provided between the residential units and the shared
f) The protection of significant views from public right(s)-of-way and compliance with Section 20.30.100 (Public View	the form of large balconies and/or private yard areas. The portion of East Coast Highway, on which the project is located, is not a designated coastal view road and is not considered a public view corridor requiring public view protection.

Table 3-Site Development Review Findings and Facts in Support of Findings		
Finding	Facts in Support of Finding	
Protection).		
3) Not detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed development.	surrounding land uses are minimized to the extent possible to maintain a healthy environment for both businesses and residents.	

<u>Conditional Use Permit Findings –Nonresidential Parking on a Residential Lot and Off-Site Parking</u>

Although the project includes the use of the 10-space ground level parking lot for shared use between the both the commercial and residential components, the parking lot would technically be located across the legal property lines separating the two uses. Seven of the required parking spaces for the commercial component of the project are proposed to be located on the adjacent lot of the residential component of the project and are considered off-site parking. Pursuant to Sections 20.40.080 and 20.40.100 of the Zoning Code, a conditional use permit is required in order to locate a parking lot intended for nonresidential use within a residential zoning district and to allow for the use of off-site parking.

General Conditional Use Permit Findings

Pursuant to Section 20.52.020.F of the Zoning Code, the Planning Commission must make the following findings in order to approve a conditional use permit:

- 1. The use is consistent with the General Plan and any applicable specific plan;
- 2. The use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the Municipal Code;
- 3. The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity;

- 4. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities; and
- 5. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.

As previously discussed, the proposed residential and commercial uses are consistent with the CC and RM land uses designations of the General Plan and zoning districts. In compliance with the provisions of the Zoning Code, the project requests a number of deviations from zoning standards and is subject to the approval of the Planning Commission. In terms of the requested shared parking arrangement, the project can be found consistent with General Plan Land Use Policy LU6.20.3 (Expanded Parking) that encourages the redevelopment of residential parcels in Corona del Mar immediately adjoining commercial uses that front onto Coast Highway for surface parking, provided that adequate buffers are incorporated to prevent impacts on adjoining residential uses. The proposed project requests a shared parking orientation that is consistent with the policy and includes walls and landscape buffers to delineate the change of land uses.

The project has been reviewed for compliance with the requirements as provided in Section 20.40.080 (Parking for Nonresidential Uses in Residential Zoning Districts), which requires the parking area to be designed to be compatible with and to not fragment the adjacent neighborhood, located within a reasonable walking distance to the use it is intended to serve, and to not be detrimental or injurious to property and improvements in the neighborhood. The shared parking lot is primarily intended to serve the parking demands of the proposed commercial office floor area; however, parking will be unrestricted so as to allow for shared parking with the existing food use and guest parking for the residential components. The residents will have direct access through a secured gate, but would be adequately buffered from the parking lot activity by solid 6-foothigh block walls and landscaping buffers. The parking lot is landscaped in compliance with the parking lot landscaping standards provided in Section 20.40.070 (Development Standards for Parking Areas) and lighting would be properly controlled in compliance with the outdoor lighting standards in Section 20.30.070 (Outdoor Lighting). The parking lot provides adequate maneuverability for vehicle circulation and parking, including access for emergency and service vehicles. Conditions of approval have also been included to ensure that potential conflicts with the adjacent residential uses are minimized to the greatest extent possible, including limiting the hours of deliveries and refuse collection.

The proposed shared use of the parking lot allows for the redevelopment of the lots that will revitalize the project site and provide an economic opportunity for the property owner to improve the visual character of East Coast Highway, a major thoroughfare through Corona Del Mar, which best serve the quality of life for the surrounding residential community.

Off-Site Parking Findings

Pursuant to Section 20.40.100.B of the Zoning Code, the Planning Commission must also make the following findings below in addition the standard conditional use permit findings:

- 1. The parking facility is located within a convenient distance to the use it is intended to serve;
- 2. On-street parking is not being counted towards meeting parking requirements:
- 3. Use of the parking facility will not create undue traffic hazards or impacts in the surrounding area; and
- 4. The parking facility will be permanently available, marked, and maintained for the use it is intended to serve.

In this case, the required parking for the commercial office use is considered off-site because it is partially located on a separate legal lot; however, the reality is that the parking would conveniently be located within a shared parking lot that is integral to the overall development of the site. The parking lot is accessible from the westerly driveway and is primarily intended to serve the commercial component of the project. The Traffic Engineer has reviewed and approved the configuration of the new parking lot and has determined that the design will not create an undue traffic hazard in the surrounding area. The design consolidates three driveways into two driveways, thereby reducing potential conflicts and increasing vehicular safety along East Coast Highway. As a condition of approval, the homeowner's association for the condominium development and the property owner will be required to enter into a reciprocal parking and access agreement for the joint use of the 10-space surface parking lot; therefore, the parking facility will remain available, marked, and maintained as intended.

<u>Modification Permit – Retaining Wall</u>

Since a small portion of the northwesterly corner of property slopes up approximately 17 feet, a terraced retaining wall is proposed to provide a level grade for the parking lot and trash enclosure (See Sheet A-5 of Attachment No. PC4). The proposed retaining wall would measure 17 feet 2 inches at its highest point from finished grade and drops down in height approximately 8 feet over a distance of 16 feet 6 inches, consistent with the elevation of the adjacent grade. In addition, a 4- to 5-foot-high wrought iron fence would be constructed on top of the retaining wall. A modification permit is requested to allow construction of a retaining wall at the northwesterly corner of the commercial lot at a maximum height of 17 feet 2 inches, where the Zoning Code limits the height to 8-feet maximum. In accordance with Section 20.52.050 (Modification Permits), the Planning Commission must also make the following findings for approval of a modification permit:

1. The requested modification will be compatible with existing development in the neighborhood.

- 2. The granting of the modification is necessary due to the unique physical characteristic(s) of the property and/or structure, and/or characteristics of the use.
- 3. The granting of the modification is necessary due to practical difficulties associated with the property and that the strict application of the Zoning Code results in physical hardships that are inconsistent with the purpose and intent of the Zoning Code.
- 4. There are no alternatives to the Modification Permit that could provide similar benefits to the applicant with less potential detriment to surrounding owners and occupants, the neighborhood, or to the general public.
- 5. The granting of the modification would not be detrimental to public health, safety, or welfare to the occupants of the property, nearby properties, the neighborhood, or the City, or result in a change in density or intensity that would be inconsistent with the provisions of this Zoning Code

The proposed commercial lot is constrained due to lot depth and the steepness of the slope at the rear. In order to maximize the usable area of the lot and provide a level grade for vehicular circulation, parking, and to accommodate a trash enclosure, the retaining wall is required. The location of the retaining wall, at the rear of the subject property is appropriate given that the retaining wall would be adequately screened from the public by the proposed commercial building as viewed from East Coast Highway. For safety purposes, the proposed retaining wall would also include a wrought iron fence on top.

The Zoning Code allows a series of retaining walls to be constructed up to a maximum of 8 feet in height, so long as a 6-foot-wide separation is provided between walls. However, due to the small size of the lot, the required separation would result in a critical loss of project site area that is necessary to provide required on-site parking and a trash area. Additionally, a design that provides the required separation would not benefit surrounding property owners or the public given its location at the rear of the lot and at a grade that is lower in elevation that is not visible to surrounding properties. However, to minimize the massing and visual impact of the wall to the on-site users, a planter wall and trash enclosure is proposed to be located in front of the retaining wall and to improve its overall aesthetics, consistent with the intent of the horizontal separation requirement.

<u>Variance for Residential Component – Front Setback and Buildable Area</u>

Three of the proposed residential dwelling units would encroach five feet into the required 20-foot front setback adjacent to East Coast Highway. The subterranean parking garage would encroach an additional one foot, but is located entirely below grade. In addition, the applicant is requesting a residential Floor Area Limit (FAL) based on the buildable area that would result utilizing a 15-foot front setback instead of the default 20-foot setback. The Zoning Code permits structures within the RM District located in Corona del Mar to have a total gross floor area, or floor area limit, equal to

1.5 times the buildable area of the lot. The buildable area of a lot is defined as the lot area minus the area of required setbacks. Using this formula and the 20-foot setback for calculating buildable area, the maximum allowable gross floor area for the subject lot is 12,603 square feet. The proposed residential dwellings have a total gross floor area of 13,703 square feet. Pursuant to Section 20.52.090 of the Zoning Code, the Planning Commission must make the following findings in order to approve a variance:

- 1. There are special or unique circumstances or conditions applicable to the subject property (e.g., location, shape, size, surroundings, topography, or other physical features) that do not apply generally to other properties in the vicinity under an identical zoning classification;
- 2. Strict compliance with Zoning Code requirements would deprive the subject property of privileges enjoyed by other properties in the vicinity and under an identical zoning classification:
- 3. Granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the applicant;
- 4. Granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and in the same zoning district;
- 5. Granting of the Variance will not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood; and
- 6. Granting of the Variance will not be in conflict with the intent and purpose of this Section, this Zoning Code, the General Plan, or any applicable specific plan.

The subject property is a wide (approx. 165 feet), but shallow lot (approx. 91 feet). The shallowness of the lot creates a design constraint for developing the site to its maximum allowed density of eight dwelling units, while still providing for required parking, vehicular circulation, open space, and providing the required setbacks. Due to these constraints, the applicant is only proposing to develop a total of six dwelling units but is requesting a 15-foot front setback from East Coast Highway, similar to other developed RM lots in the vicinity.

Based on a review of the development pattern of adjacent multi-unit residential developments east of the project site that also front East Coast Highway (Setback Map-Attachment No. PC 7), staff believes a 15-foot setback and resulting buildable area is appropriate for this property. Immediately to the east of the subject property is a large 18-unit residential condominium complex (401 Seaward Rd) that maintains a 15-foot front setback adjacent to both East Coast Highway and Seaward Road. Further east are several RM-6000 zoned lots (4104-4348 Shorecrest Ln.) that also maintain 15-foot front setbacks adjacent to East Coast Highway. Granting of the variance would allow the applicant to develop a multi-unit residential development utilizing similar setbacks consistent with other multi-unit residential developments in the area. In addition, the

commercial properties to the west do not have a front setback requirement. Therefore, the proposed 15-foot setback for the residential structures would be consistent with the development pattern of the multi-unit developments to the east and compatible with the commercial lots to the west. Also, the intent of the front setback is to provide adequate separation for light, air, privacy and open space adjacent to the street. In this case, the five-foot encroachment into the 20-foot setback would not be detrimental to the City or result in a hazard to the existing community or future residents of the project. The project would still provide a 15-foot front setback to the street, which is adequate to provide for light, air, privacy and open space, consistent with the intent of the Zoning Code. Trees and shrubs would be planted within the front setback to act as a buffer and soften the visual impact along the highway.

With regard to floor area, the proposed residential floor area would be under the permitted floor area limit utilizing a 15-foot setback for buildable area calculation. However, it should also be noted that of the 1,100 square feet of additional floor area that the applicant is requesting above the maximum floor area limit (based on a buildable area utilizing a 20-foot setback), 1,018 square feet of that floor area is located below grade within the private garage area that is counted towards gross floor area and garage stairs. Therefore, this additional floor area is predominately below grade and does not add significant bulk or mass to the development as compared to what normally be allowed to be developed above grade using the 20-foot setback and resulting floor area limit.

In addition, it should be noted that the 18-unit condominium complex to the east is located on a larger one acre lot and is permitted a larger floor area limit of 1.75 times the buildable area (instead of 1.5). If the subject property would were allowed a similar 1.75 floor area limit, the floor area limit would be 14,719 square feet, which is larger than the 13,703 square feet proposed. Also, the RM-6000 zoned lots further east are not subject to a floor area limit ratio, but rather are regulated by a 60 percent maximum lot coverage requirement. For comparison, the proposed lot coverage of the residential development is only 38 percent. In both these examples of nearby RM lots, the setbacks, buildable area, and total allowed floor areas are more permissive than what the subject property is limited to. Therefore, strict compliance with the 20-foot front setback, buildable area, and resulting floor area limit would deprive the subject property of privileges enjoyed by nearby RM lots.

Subdivision- Tentative Tract Map

The applicant is requesting the approval of a tentative tract map (Attachment No. PC 8), for condominium purposes, to create six airspace condominium units. The map would also serve to consolidate Lots 55, 56, 57, 58 and portions of vacated alley into a single lot (Lot 1) for the residential component and Lot 54 and adjacent portion of vacated alley into a single lot (Lot 2) for the commercial component. Staff believes the facts in support of the required findings exist to approve the map and have included them in the attached draft resolution for approval.

The site is relatively flat and a geotechnical engineering investigation determined that the site is safe and suitable for the proposed development. In addition, the site does not support any environmental resources and proposed development would not significantly impact any sensitive resources within the adjacent Buck Gully drainage area to the north (see Exhibit A of Attachment No. PC 6). A preliminary Acoustical Study was prepared for the project to evaluate the potential impact of traffic noise to the proposed residential units. The study estimates that future traffic noise exposure will be 72.5 dB CNEL to the nearest residential facades to East Coast Highway and concludes that with appropriate noise control measures incorporated into the design of the proposed project (e.g., ventilation and air conditioning, weather stripping, increased sound-rated doors, windows, and wall finishes, etc.), the interior noise levels would comply with the City and State interior noise standard of 45 dB CNEL for residential units (see Exhibit B of Attachment No. PC 6). The Public Works Department has also reviewed the proposed tentative map and believes it is consistent with the Newport Beach Subdivision Code (Title 19) and applicable requirements of the Subdivision Map Act. Each residential unit would be required to provide separate sewer and water connections. Conditions of approval have been included to ensure compliance with Title 19.

The property does not include any public access or public use easements; however, there are several infrastructure easements. An existing 7.5-foot-wide utilities easement at the rear of the two lots will be retained. An approximately 15-foot-wide access and utilities easement located along the eastern side of the residential lot that is no longer needed would be vacated. An existing slope and drainage easement over the southeasterly corner of the residential lot would also be vacated and replaced with a new variable width storm drain easement. The existing overhead power lines running along the rear of the property would also be re-routed and undergrounded. In addition, the applicant would be required to construct public improvements, including new curbs, gutters, and sidewalks along the East Coast Highway frontage and the installation of new street trees in the right-of-way.

The proposed tentative map includes a mapping error along the easterly property line of the proposed Lot 2 towards the northeasterly corner of the lot. A condition of approval has been included requiring that the easterly property line of the proposed Lot 2 be revised on the Final Tract Map such that the prolongation of the easterly property line directly intersects with the rear property line (i.e., the approx. 82 SF notched area illustrated at the northeasterly corner of Lot 2 shall be made a part of Lot 2 and removed from Lot 1).

Environmental Review

The project is categorically exempt under Section 15332, of the California Environmental Quality Act (CEQA) Guidelines - Class 32 (In-Fill Development Projects). This exemption applies to in-fill development projects in urban areas that are consistent with the General Plan and applicable development standards. In addition, the proposed development must occur on a site of no more than five acres, have no value as habitat for endangered, rare or threatened species, be adequately served by all utilities and

public services, and must not result in any significant effects relating to traffic, air quality, water quality, or any other significant effect on the environment due to an unusual circumstance.

The proposed project site is only 0.44 acres in size, is located within the built-out Corona del Mar commercial corridor area (urban area), and can be adequately served by all required utilities and public services. The project is consistent with the General Plan designations and policies, and can be found consistent with all applicable zoning regulations upon approval of the requested applications. A jurisdictional delineation and biological study have been conducted and determined that the project site and adjacent areas subject to fuel modification have no value as habitat for endangered, rare, or threatened species. The project is expected to have a less than significant impacts related to traffic, noise, air quality, and water quality. A more detailed policy analysis supporting the Class 32 exemption is attached as Attachment No. PC 6.

Summary

The proposed project would result in the redevelopment of an under-utilized and aging commercial lot with a new office addition that implements the goals and policies for the development of the commercial corridor of Corona del Mar. The project would also result in the redevelopment of a vacant lot that was specifically re-designated for residential use as part of the 2006 General Plan Update to encourage its redevelopment. Although not a zoned mixed-use, the redevelopment of the property is essentially an integrated horizontal mixed-use project. The project successfully improves the transition from residential uses to commercial uses within the corridor. The project exhibits high quality architectural treatment of the building, and given the constraints of the property, the requested retaining wall and the arrangement of the shared 10-space ground level parking lot is a reasonable and efficient solution to developing the site consistent with the General Plan and Zoning designations. The requested 15-foot front setback and proposed floor area limit for the residential component is consistent with the development pattern of the adjacent RM zoned properties to the east and results in a development that is compatible with the surrounding neighborhood in terms of bulk and scale.

Public Notice

Notice of this hearing was published in the Daily Pilot, mailed to property owners within 300 feet of the property and posted at the site a minimum of 10 days in advance of this hearing consistent with the Municipal Code. Additionally, the item appeared upon the agenda for this meeting, which was posted at City Hall and on the City website.

Alternatives

Staff believes that the findings for approval can be made for the proposed project and the facts in support of the required findings are presented in the draft resolution (Attachment No. PC 1). The following alternatives are available to the Planning Commission:

- The Planning Commission may suggest specific changes that are necessary to alleviate any concerns. If any additional requested changes are substantial, the item could be continued to a future meeting. Should the Planning Commission choose to do so, staff will return with a revised resolution incorporating new findings and/or conditions.
- 2. If the Planning Commission believes that there are insufficient facts to support the findings for approval, the Planning Commission may deny the application and provide facts in support of denial to be included in the attached draft resolution for denial (Attachment No. PC 2).

Prepared by:	Submitted by:
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Jaime Murillo Associate Planner renda Wisneski, AICP, Deputy Directo

Makana Nova Assistant Planner

ATTACHMENTS

- PC 1 Draft Resolution of Approval with Findings and Conditions
- PC 2 Draft Resolution for Denial
- PC 3 Site Photos
- PC 4 Project Plans
- PC 5 Specialty Food Permit No. 38
- PC 6 CEQA Exemption Determination
- PC 7 Setback Map
- PC 8 Tentative Tract Map

Attachment No. PC 1

Draft Resolution of Approval with Findings and Conditions

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH APPROVING CONDITIONAL USE PERMIT NO. UP2012-011, MODIFICATION PERMIT NO. MD2012-011, SITE DEVELOPMENT REVIEW NO. SD2012-001, TENTATIVE TRACT MAP NO. NT2012-001, AND VARIANCE NO. VA2012-002 FOR THE CONSTRUCTION OF A 2,160-SQUARE-FOOT COMMERCIAL OFFICE ADDITION AND SIX DWELLING UNITS LOCATED AT 3900 AND 3928 EAST COAST HIGHWAY (PA2010-061)

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

- 1. An application was filed by Marcelo E. Lische, the architect representing property owner, Magdi Hanna, with respect to property located at 3900 and 3928 East Coast Highway, and legally described as Lots 54, 55, 56, 57, 58, and portions of abandoned alley, Block B, Tract No. 673 requesting approval of a site development review, conditional use permit, modification permit, tentative tract map, and variance.
- 2. The project includes a horizontal mixed-use development with six detached dwelling units above a common subterranean parking structure, a 2,160-square-foot office addition above an existing 535-square-foot delicatessen (Gallo's Deli), and a 10-space shared, surface parking lot. The following approvals are requested or required in order to implement the project as proposed:
 - a. A site development review to ensure compatibility with the site and surrounding land uses.
 - b. A conditional use permit to allow parking for nonresidential uses in a residential zoning district and to allow off-site parking.
 - c. A modification permit to allow a retaining wall up to 17 feet 2 inches in height, where the Zoning Code limits the height to 8 feet.
 - d. A variance for the residential structures to establish a 15-foot front setback and corresponding buildable area, where a 20-foot setback is currently required.
 - e. A tentative tract map for condominium purposes and to consolidate five lots and portions of a vacated alley into two lots.
- 3. The subject property at 3900 East Coast Highway is located within the Commercial Corridor (CC) Zoning District and the General Plan Land Use Element category is Corridor Commercial (CC).

- 4. The subject property at 3928 East Coast Highway is located within the Multiple Residential (RM) Zoning District and the General Plan Land Use Element category is Multiple-Unit Residential (RM).
- 5. The subject properties are not located within the coastal zone.
- 6. A public hearing was held on December 6, 2012, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

- 1. This project has been determined to be categorically exempt under the requirements of the California Environmental Quality Act under Class 32 (Infill Development Projects). This exemption applies to in-fill development projects in urban areas that are consistent with the General Plan and applicable development standards. In addition, the proposed development must occur on a site of no more than five acres, have no value as habitat for endangered, rare or threatened species, be adequately served by all utilities and public services, and must not result in any significant effects relating to traffic, air quality, water quality, or any other significant effect on the environment due to an unusual circumstance.
- 2. An analysis and exemption determination was prepared for this project. CEQA Class 32 consists of projects characterized as in-fill development meeting the conditions described above. The proposed project consists of the development of new commercial office space with required off-street parking and six detached dwelling units and is consistent with the City's General Plan land use designations (Corridor Commercial and Multiple Residential) and zoning designations. Potential development of the project site was considered and analyzed in the City's 2006 General Plan EIR for potential environmental impacts. Based on that analysis, there is no reasonable probability that the proposed project will have a significant effect on the environment due to unusual circumstances, nor will the project result in any short-term or long-term impacts that were not previously considered in the Newport Beach General Plan and General Plan EIR. Implementation of the proposed project will not result in any adverse effects on sensitive biological resources, traffic, air quality, noise or water quality. The project site does not exceed five acres in area, is located in an urban area, and can be adequately served by all required utilities and public services. Therefore, the proposed project meets all of the conditions described above for in-fill development and qualifies for a Class 32 exemption.

SECTION 3. REQUIRED FINDINGS.

Site Development Review

1. A site development review is required for the construction of five or more residential units processed in conjunction with a tentative tract map. Also, because the proposed project is essentially a mixed-use development with horizontal inter-mixing of residential and commercial uses and a shared parking lot, the site development review analyzes the project as a whole for compatibility with the site and surrounding land uses. In accordance with Section 20.52.080 (Site Development Review) of the Zoning Code, the Planning Commission must also make the following findings for approval of a site development review:

Finding:

A. Allowed within the subject zoning district;

Facts in Support of Finding:

- A-1. The zoning designation for the commercial component at 3900 East Coast Highway is Commercial Corridor (CC), which is intended to provide for areas appropriate for a range of neighborhood-serving retail and service uses along street frontages that are located and designed to foster pedestrian activity. A commercial building with retail, office, and restaurant uses are permitted uses for the commercial component of the proposed project at 3900 East Coast Highway. The existing food use (Gallo's Deli) was previously permitted through Specialty Food Permit No. 38 and would continue operating under said permit.
- A-2. The zoning designation for the residential component at 3928 East Coast Highway is Multiple Residential (RM, 8 DU), which is intended to provide for areas appropriate for multi-unit residential developments containing attached or detached dwelling units. The site is limited to a maximum of eight dwelling units. The proposed project consists of the development of six detached dwelling units, which is consistent with the zoning designation of the site.
- A-3. The subject property is not part of a specific plan area.

Finding:

- B. In compliance with all of the applicable criteria [below]:
 - a. Compliance with this Section, the General Plan, this Zoning Code, any applicable specific plan, and other applicable criteria and policies related to the use or structure;
 - b. The efficient arrangement of structures on the site and the harmonious relationship of the structures to one another and to other adjacent

- development; and whether the relationship is based on standards of good design;
- c. The compatibility in terms of bulk, scale, and aesthetic treatment of structures on the site and adjacent developments and public areas;
- d. The adequacy, efficiency, and safety of pedestrian and vehicular access, including drive aisles, driveways, and parking and loading spaces;
- e. The adequacy and efficiency of landscaping and open space areas and the use of water efficient plant and irrigation materials; and
- f. The protection of significant views from public right(s)-of-way and compliance with Section 20.30.100 (Public View Protections); and

Facts in Support of Finding:

- Ba-1. The proposed detached residential condominiums are permitted uses within the RM General Plan land use designation and zoning district. The commercial component of the project would consist of a general office and food use, which are permitted uses within the CC General Plan land use designation and zoning district. The food use is an existing use which would continue operating under Specialty Food Permit No. 38.
- Ba-2 As required by the Zoning Code, a conditional use permit has been requested for the off-site parking arrangement on the residential lot, a variance has been requested to establish a 15-foot front setback for the purposes of setbacks and buildable area for the residential component, and modification permit has been requested to allow for the proposed height of the retaining wall.
- Ba-3. The size, density and character of the proposed residential dwelling units complement the existing land uses in the project area and include design elements consistent with Land Use Element Policy 5.1.9 (Character and Quality of Multi-Family Residential) that requires multi-family dwellings to be designed to convey a high quality architectural character. Consistent with this policy, the architectural treatment of the building includes high quality finishes and modulation of mass to convey the character of separate living units and avoiding the appearance of a singular building volume. The roofs have been design with inverted sloping planes to provide visual interest. Significant private open space would also be provided in the form of large balconies and yard area, and further complemented with additional common recreational open space area to provide a pleasant living environment with opportunities for recreation.
- Ba-4. The General Plan also includes Policy LU 6.20.1 that encourages neighborhood serving uses that complement existing development. Policy 6.20.3 encourages the redevelopment of residential parcels immediately adjoining commercial

- uses that front onto Coast Highway for surface parking. The proposed project requests a shared parking arrangement that is consistent with the policy overview for the Corona Del Mar corridor.
- Bb-1. The residential and commercial components of the project are integrated as a unified development through the use of similar architectural style and design elements, shared use of parking, and internal pedestrian connectivity.
- Bb-2. The proposed office addition above the existing food use has been designed to improve the aesthetics of the site and improve the commercial presence and interface on East Coast Highway.
- Bb-3. Due to the approximately 17-foot grade differential of the project site and the existing residential property to the rear at 408 Hazel Drive and 10-foot 7-inch separation from the commercial addition to the residential property line, the residential property will not be negatively impacted by the project and will maintain increased privacy and open space.
- Bb-4. Consistent with General Plan Policy LU 6.20.3 and Policy Overview for Corona del Mar, to facilitate redevelopment of the commercial lot, parking spaces required for the office addition would primarily be accommodated on the adjacent residential lot. The parking spaces would also serve as an area for guest parking for the residential development. This shared parking arrangement provides flexibility to accommodate the varying peak parking demands of the commercial and residential uses, efficiently utilizes the site to maximize the number of spaces that can be provided on-site, and serves as a buffer between the proposed residential units and expanded commercial building.
- Bb-5. The residential component of the project has been designed as six detached units above grade, minimizing the bulk and mass of the project and provides for increased open space, light, and air for each unit. Below grade, the project has been designed to efficiently accommodate private garages and guest parking within a single subterranean parking structure.
- Bb-6. The mechanical equipment enclosure for the commercial building has been located approximately 29 feet away from the adjacent residential lot to the rear and approximately 57 feet from the proposed residential units to the west to reduce noise impacts, and would be screened within an equipment enclosure.
- Bb-7. Both the commercial and residential components of the project provide separate and well-defined entries.
- Bc-1. The unified design theme of the commercial and residential component of the project provides for an architectural transition between the residential uses that front East Coast Highway to the east and the commercial corridor that begins to the west.

- Bc-2 The height and bulk of the proposed commercial building are consistent in scale with the commercial building to the west that has roof top parking. The commercial building would also be setback 10 feet 7 inches to the existing residential property line located to the rear and due to the difference in grade (approx. 17 feet), the visual bulk of the building would be minimized when viewed from above.
- Bc-3. The proposed commercial building fronts East Coast Highway, thereby implementing the General Plan policies to foster pedestrian activity with the Corona del Mar commercial corridor.
- Bc-4. The front façade of the commercial building includes both vertical and horizontal off-sets and utilizes a variation of building materials to provide enhanced visual relief.
- Bc-5. The proposed residential units have been designed with horizontal off-sets and variation in roof heights to provide visual interest. In addition, the massing of the units is broken up by the varying building separation.
- Bc-6. The height, bulk, and scale of the residential units are consistent with the adjacent residential condominium complex to the east.
- Bc-7. The shared surface parking lot provides a buffer between the proposed commercial and residential uses and is designed to maintain privacy for the residential tenants and protection from vehicular impacts.
- Bd-1. The project would consolidate the three existing driveways along East Coast Highway into two driveways, thereby reducing potential conflicts and increasing vehicular safety.
- Bd-2. The consolidation of driveways also increases the number of on-street parking spaces along the project frontage from two spaces to a total of five spaces (three new spaces).
- Bd-3. The residential component includes separate and independent access via the easterly driveway into a subterranean parking structure. Furthermore, each residential unit would be afforded a private enclosed garage with direct interior access to their units.
- Bd-4. The project results in a total peak parking requirement of 24 surface spaces (nine spaces for the commercial office floor area, 12 residential parking spaces, and three residential guest parking spaces), which can be provided entirely onsite site within the 14-space subterranean parking lot and the 10 space surface parking lot.

- Bd-5. The existing specialty food use was approved Specialty Food Permit No. 38 without any required parking and will continue to operate as a vested land use right.
- Bd-6 The 10-space surface parking lot would be accessed via the westerly driveway and would accommodate parking for the commercial uses and guests of the residential units. The shared parking arrangement allows for flexibility for use of the parking spaces during the varying peak parking demands of the commercial and residential uses.
- Bd-7. The proposed surface parking lot has been designed to accommodate and provide safe access for emergency, delivery, and refuse collections vehicles, as determined by the City Traffic Engineer.
- Bd-8. The project provides adequate sight distance at each driveway, as determined by the City Traffic Engineer.
- Bd-9. The project would include enhanced pedestrian walkways that provide access between the various uses and within the project site, and to the surrounding public sidewalks and uses.
- Be-1. The residential component includes the enhanced use of landscaping, including a variation of ornamental groundcover, vines, shrubs, and trees, to help soften and buffer the massing of the condominium units from the commercial uses to the west, residential uses to east, and from East Coast Highway.
- Be-2. The shared parking lot complies with the landscape parking lot requirements of Newport Beach Municipal Code (NBMC) Sec. 20.40.070.D.3 (Landscaping) and includes adequate and effective use of ground cover, hedges, and shade trees. The parking lot is also screened from East Coast Highway by a 5-foot-wide planter.
- Be-3. A six-foot-high block wall and row of columnar trees would be provided between the residential units and the shared parking to provide a screening buffer.
- Be-4. The project is subject to the City's Water Efficient Landscape Ordinance (Chapter 14.17 of NBMC).
- Be-5. The relocated outdoor dining area of the existing food use will be better defined for compliance with the condition of Specialty Food Permit No. 38 through the use of planter boxes, which will also improve the appearance of the site.
- Be-6. The proposed residential development includes a large common outdoor living area of 533 square feet that includes a spa and barbeque area. In addition, each unit is afforded private outdoor living space in the form of large balconies and/or private yard areas.

Bf-1. The portion of East Coast Highway, on which the project is located, is not a designated coastal view road and is not considered a public view corridor.

Finding:

C. The proposed development is not detrimental to the harmonious and orderly growth of the City, or endanger jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed development.

Facts in Support of Finding:

- C-1. The project has been conditioned to ensure that potential conflicts with surrounding land uses are minimized to the extent possible to maintain a healthy environment for both businesses and residents.
- C-2. The project's trash enclosure would be shared between the residential and commercial component, and would be located at the rear of the commercial lot. The size, design, location, and screening of the refuse enclosure comply with the requirements of NBMC Sec. 20.30.120 ensuring compatibility with the onsite and adjacent uses. Adequate access to refuse containers would be provided through the shared parking lot and noise and visual impacts to the adjacent residential use to the rear would be minimized due to the retaining wall, differences in grade, and landscaping.
- C-3. The project is subject to the City's Outdoor Lighting requirements contained with Section 20.30.070 of the Zoning Code.
- C-4. The relocated 125-square-foot outdoor dining area of the existing food use would be covered by the office addition above and would be screened and noise attenuated from the existing adjacent residential use to the rear due to the difference in grade.
- C-5. The specialty food use and the proposed general office would not maintain late hours as defined by the Zoning Code to be later than 11:00 p.m.
- C-6. Roof-top mechanical equipment would be fully enclosed within an equipment screen and would not be visible from the residences above. The rooftop mechanical equipment enclosure has been located at the center of the commercial building to minimize the bulk of the building as viewed from East Coast Highway.
- C-7. Tenant improvements to the new commercial component of the development will comply with all Building, Public Works, and Fire Codes. All ordinances of the City and all conditions of approval will be complied with.

<u>Conditional Use Permit – General Findings</u>

2. A conditional use permit is requested to allow off-site parking for the commercial development at 3900 East Coast Highway to be located on the adjacent residential property at 3928 East Coast Highway. In accordance with Section 20.52.020.F (Findings and Decision) of the Newport Beach Municipal Code, the following findings and facts in support of the findings for a conditional use permit are set forth:

Finding

A. The use is consistent with the General Plan and any applicable specific plan:

Facts in Support of Finding

- A-1. The proposed detached residential condominiums are consistent with the RM General Plan Land Use Element designation.
- A-2. The proposed general office and food uses within the commercial component are consistent with the CC General Plan land use designation.
- A-3. Land Use Policy LU6.20.3 (Expanded Parking) for Corona Del Mar seeks to accommodate the redevelopment of residential parcels immediately adjoining commercial uses that front onto Coast Highway for surface parking, provided that adequate buffers are incorporated to prevent impacts on adjoining residential uses. The proposed project requests a shared parking orientation that is consistent with the policy overview for the Corona Del Mar corridor. Adequate walls and landscape buffers will be provided to clearly delineate the change of uses along the Coast Highway frontage.
- A-4. The subject properties are not part of a specific plan area.

Finding

B. The use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the Municipal Code:

Facts in Support of Finding

- B-1. The proposed detached residential condominiums are permitted uses within the RM zoning district.
- B-2. The proposed general office and food uses within the commercial component are consistent with the CC zoning district.

B-3. The required number of parking spaces to accommodate the new commercial development will be provided in a shared parking situation across the commercial property and the adjacent residential property at 3928 East Coast Highway. The proposed parking lot complies with the requirements as provided in Section 20.40.080 (Parking for Nonresidential Uses in Residential Zoning Districts), which requires the parking area to be designed to be compatible with and to not fragment the adjacent neighborhood, located within a reasonable walking distance to the use it is intended to serve, and to not be detrimental or injurious to property and improvements in the neighborhood.

Finding

C. The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity:

Facts in Support of Finding

- C-1. All of the required parking for the additional commercial development would be provided within close proximity and in an accessible manner for patrons at 3900 East Coast Highway.
- C-3. The shared parking lot is primarily intended to serve the parking demands of the proposed commercial office floor area; however, parking will be unrestricted so as to allow for shared parking with the existing food use and guest parking for the residential components.
- C-4. The residential users will have direct access to the commercial site and parking lot through a secured gate, but would be adequately buffered from the parking lot activity by solid 6-foot-high block walls, landscaping buffers, and minimal windows designed facing the parking lot.
- C-5. The project has been reviewed and found to be compliant with the parking area requirements and landscaping standards as provided in Section 20.40.070 (Development Standards for Parking Areas) and the outdoor lighting standards in Section 20.30.070 (Outdoor Lighting).

Finding

D. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities:

Facts in Support of Finding

D-1. The proposed parking lot provides adequate vehicle circulation and parking spaces for patrons.

- D-2. Adequate public and emergency vehicle access, public services, and utilities are provided.
- D-3. The development of the project site will comply with all Building, Public Works, and Fire Codes. All ordinances of the City and all conditions of approval will be complied with.

Finding

E. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, a safety, or general welfare of persons residing or working in the neighborhood of the proposed use.

Facts in Support of Finding

- E-1. The project has been reviewed and includes conditions of approval to ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent possible.
- E-2. The proposed commercial and residential development will serve the surrounding residential and retail community. This will revitalize the project site and provide an economic opportunity for the property owner to improve the visual character of East Coast Highway, a major thoroughfare through Corona Del Mar.

Conditional Use Permit- Additional Findings for Off-Site Parking

3. Pursuant to Section 20.40.100 of the Zoning Code, off-street parking on a separate lot from the project site also requires the approval of a conditional use permit. In addition to the standard conditional use permit findings, approval of off-site parking is subject to specific findings. The following findings and facts in support of such findings are set forth:

Finding

A. The parking facility is located within a convenient distance to the use it is intended to serve.

Facts in Support of Finding

A-1. The off-site parking lot is located immediately adjacent to the subject property is essentially on-site.

Finding

B On-street parking is not being counted towards meeting parking requirements.

Facts in Support of Finding

- B-1. The nine parking spaces required to accommodate the additional commercial development are provided entirely within the parking lot.
- B-2. The enhancement of public improvements and parking are identified as an opportunity for change within Land Use Policy LU3.3 of the General Plan. The proposed project would close an existing driveway on 3928 East Coast Highway and provide additional on-street parking available to the public.

Finding

C Use of the parking facility will not create undue traffic hazards or impacts in the surrounding area.

Facts in Support of Finding

- C-1. The Traffic Engineer has reviewed and approved the configuration of the new parking lot extension and proposed changes to the existing parking lot, and has determined that the parking lot design will not create an undue traffic hazard in the surrounding area.
- C-2. The design consolidates three driveways into two driveways, thereby reducing potential conflicts and increasing vehicular safety along East Coast Highway.

Finding

D The parking facility will be permanently available, marked, and maintained for the use it is intended to serve.

Facts in Support of Finding

D1. Both of the commercial and residential components of the project site are currently owned in common across six legal lots. The proposed tract map would result in two new lots with commercial development on one and the six-unit residential condominiums on the second. As a condition of approval, the homeowner's association for the condominium development and the property owner of the commercial property will be required to enter into a reciprocal parking agreement for the joint use of the 10-space surface parking lot; therefore, the parking facility will remain available, marked, and maintained as intended.

Modification Permit

4. A modification permit is requested to allow construction of a retaining wall at a maximum height of 17 feet 2 inches from the finished grade that is located at the northwesterly corner of the lot located at 3900 East Coast Highway, where the Zoning Code limits the height to 8-feet maximum. An increase in height of a retaining wall may be requested per Section 20.30.040 (Fences, Hedges, Walls, and Retaining Walls) of the Zoning Code. In accordance with Section 20.52.050 (Modification Permits), the Planning Commission must also make the following findings for approval of a modification permit:

Finding:

A. The requested modification will be compatible with existing development in the neighborhood.

Facts in Support of Finding:

- A-1. The view of the new retaining wall from East Coast Highway will be partially shielded by the second floor of the proposed commercial development.
- A-2. To minimize the massing and visual impact of the wall to the on-site users, a planter wall and trash enclosure is proposed to be located in front of the retaining wall and to improve its overall aesthetics.

Finding:

B. The granting of the modification is necessary due to the unique physical characteristic(s) of the property and/or structure, and/or characteristics of the use.

Facts in Support of Finding:

- B-1. The proposed commercial lot is constrained due to size and the steepness of the slope at northwesterly corner of the lot.
- B-2. The commercial lot is currently developed with a food use and the proposed development includes additional commercial office construction that would maximize the development potential identified by the General Plan floor area limit (0.75 FAR). The proposed retaining wall would accommodate the proposed development and make sufficient useable area available to provide required onsite parking for the new commercial office development.

Finding:

C. The granting of the modification is necessary due to practical difficulties associated with the property and that the strict application of the Zoning Code

results in physical hardships that are inconsistent with the purpose and intent of the Zoning Code.

Facts in Support of Finding:

C-1. Zoning Code regulations allow retaining walls at a maximum height of 8 feet with a minimum separation requirement of 6 feet between walls. Due to the topography of the project site, the construction of two terraced retaining walls that comply with this standard would result in a significant loss of site area necessary to provide on-site parking, vehicular circulation, and a trash enclosure for the new commercial development

Finding:

D. There are no alternatives to the Modification Permit that could provide similar benefits to the applicant with less potential detriment to surrounding owners and occupants, the neighborhood, or to the general public.

Facts in Support of Finding:

- D-1. Without this approval, the applicant would be required to construct a series of 8-foot retaining walls with a 6-foot separation between walls. This would result in a significant loss of project site area that is necessary to provide required on-site parking for the proposed use.
- D-2. A terraced design that provides the required separation would not be less detrimental to existing residential property located to the rear at 408 Hazel Drive because they would not be able to see the face of the retaining wall from their vantage point due to the grade differential. Also, since the retaining wall is partially screened as viewed from East Coast Highway, the terraced design would not be readily visible from the public.
- D-3. The location of the retaining wall, at the rear of the subject property is appropriate given the proposed retaining wall would be adequately screened from the adjacent right-of-way. The retaining wall will provide a planter wall and trash enclosure in front of it to provide variation and articulation to improve the visual aesthetic of the retaining wall, consistent with the intent of the wall separation requirement.

Finding:

E. The granting of the modification would not be detrimental to public health, safety, or welfare to the occupants of the property, nearby properties, the neighborhood, or the City, or result in a change in density or intensity that would be inconsistent with the provisions of this Zoning Code.

Facts in Support of Finding:

- E-1. The proposed retaining wall would provide a wrought iron guardrail for safety on the higher side of the property on the adjacent commercial and residential properties.
- E-2. The highest point of the retaining wall is near the northwest corner of the lot and is screened by the proposed commercial building as viewed from Coast Highway. Also, the retaining wall drops approximately 8 feet over a distance of 16 feet 6 inches, minimizing the height of the wall as the existing grade drops so that the visual impact of the wall is reduced.
- E-3. The design of the development will not conflict with any easements acquired by the public at large for access through or use of property within the proposed development. The portion of the property at 3900 East Coast Highway where the retaining wall is proposed was previously an alley that has recently been vacated by the City and granted to the property owner of 3900 East Coast Highway.

Variance

5. A variance for the residential structures to establish a 15-foot front setback and corresponding buildable area where a 20-foot setback is required. In accordance with Section 20.52.090.F (Findings and Decision) of the Newport Beach Municipal Code, the following findings and facts in support of a variance are set forth:

Finding:

A. That there are special or unique circumstances or conditions applicable to the subject property (e.g. location, shape, size, surrounding, topography, or other physical features) that do not apply generally to other properties in the vicinity under an identical zoning classification.

Facts in Support of Finding:

A-1. The subject property is a wide (approx. 165 feet), but shallow lot (approx. 91 feet). The shallowness of the lot creates a design constraint for developing the site to its maximum allowed density of eight dwelling units, while still providing for required parking, vehicular circulation, open space, and the required setbacks. Due to these constraints, the applicant is only proposing to develop a total of six dwelling units but is requesting the ability to encroach five feet into the front 20-foot setback, similar to other developed RM lots in the vicinity.

A-2. A 20-foot setback, corresponding buildable area, and resulting floor are limit are not appropriate for this property based on a review of the development pattern of adjacent multi-unit residential developments east of the project site that also front onto East Coast Highway.

Finding:

B. That strict compliance with Zoning Code requirements would deprive the subject property of privileges enjoyed by other properties in the vicinity and under an identical zoning classification.

Facts in Support of Finding:

- B-1. Immediately to the east of the subject property is a large 18-unit residential condominium complex (401 Seaward Rd.) that maintains a 15-foot front setback adjacent to East Coast Highway and to Seaward Road. This property is located on a one acre lot and is permitted a much larger floor area limit of 1.75 (instead of 1.5).
- B-2. Further east are several RM-6000 zoned lots (4104-4348 Shorecrest Ln.) that also maintain 15-foot front setbacks adjacent to East Coast Highway. These lots are not subject to a floor area limit ratio, but rather are limited to a 60 percent maximum lot coverage requirement.
- B-3. The setbacks and allowed floor area for nearby multi-unit developments are more permissive than what the subject property is limited to. Therefore, strict compliance with the 20-foot front setback and resulting floor area limit would deprive the subject property of privileges enjoyed by nearby RM lots.
- B-4. Granting of the variance would allow the applicant to develop a multi-unit residential development utilizing similar setbacks and to a more reasonable floor area limit consistent with other multi-unit residential developments in the area.

Finding:

C. That the granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the applicant.

Facts in Support of Finding:

C-1. The 18-unit condominium complex to the east is located on a larger one acre lot and is permitted a larger floor area limit of 1.75 times the buildable area (instead of 1.5). If the subject property would were allowed a similar 1.75 floor area limit, the floor area limit would be 14,719 square feet, which is larger than the 13,703 square feet proposed. Also, the RM-6000 zoned lots further east are not subject to a floor area limit ratio, but rather are regulated by a 60 percent

maximum lot coverage requirement. For comparison, the proposed lot coverage of the residential development is only 38 percent. In both these examples of nearby RM lots, the setbacks, buildable area, and total allowed floor areas are more permissive than what the subject property is limited to. Therefore, strict compliance with the 20-foot front setback, buildable area, and resulting floor area limit would deprive the subject property of privileges enjoyed by nearby RM lots.

Finding:

D. That the granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and in the same zoning district.

Facts in Support of Finding:

- D-1. The size of the proposed residential development would be in scale with nearby multi-unit residential developments located on East Coast Highway and Shorecrest Lane.
- D-2. The granting of the Variance would not constitute a special privilege inconsistent with the limitations upon other properties zoned RM as it allows the property owner to maintain equity with other multiple-unit developments along East Coast Highway.

Finding:

E. That the granting of the Variance will not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood.

Facts in Support of Finding:

- E-1. The five-foot encroachment into the 20-foot setback would not be detrimental to the City or result in a hazard to the existing community or future residents of the project. The project would provide a 15-foot front setback to the street, which is adequate to provide for light, air, privacy and open space, consistent with the intent of the Zoning Code.
- E-2. Trees and shrubs will be planted within the 15-foot front setback to act as a buffer and soften the visual impact along the East Coast Highway frontage.
- E-3. The approval of this Variance is conditioned such that the applicant is required to obtain all necessary permits in accordance with the Building Code and other applicable Codes.

- E-4. The proposed 15-foot setback for the residential structures would be consistent with the development pattern of the multi-unit developments to the east and compatible with the commercial lots to the west which so not have front setback requirements.
- E-5. Of the 1,100 square feet of additional floor area that the applicant is requesting above the maximum floor area limit (based on a buildable area utilizing a 20-foot setback), 1,018 square feet of that floor area is located below grade within the private garage area that is counted towards gross floor area and garage stairs. Therefore, this additional floor area is predominately below grade and does not add significant bulk or mass to the development as compared to what normally be allowed to be developed above grade using the 20-foot setback and resulting floor area limit.

Finding:

F. Granting of the Variance will not be in conflict with the intent and purpose of this Section, this Zoning Code, the General Plan, or any applicable specific plan.

Facts in Support of Finding:

- F-1. The intent of the front setback is to provide adequate separation for light, air, privacy and open space adjacent to the street. In this case, the project would provide a 15-foot front setback to the street, which is consistent with the front setbacks of the other RM zoned lots east. Fifteen feet is adequate to provide for light, air, privacy and open space, consistent with the intent of the Zoning Code.
- F-2. The subject property is designated RM by the Land Use Element of the General Plan and zoned RM. Both designations are intended primarily for multi-family residential development containing attached or detached dwelling units. The subject property is entitled for the development of eight dwelling units where six are proposed. Approval of the Variance will not affect residential density.
- F-3. The subject property is not located within a specific plan area.
- F-4. The overall design, based upon the proposed plans, meets residential design criteria provided within Section 20.48.180.B.2 (Design Criteria) by avoiding long unarticulated walls and providing architectural treatment of all elevations.

Tentative Tract Map

6. A tentative tract map is requested for residential condominium purposes, to create six airspace condominium units. The map would also serve to consolidate five lots and portions of a vacated alley into two lots. In accordance with Section 19.12.070 (Required Findings for Action on Tentative Maps) of the Newport Beach Municipal Code, the following findings and facts in support of a tentative tract map are set forth:

Finding:

A. That the proposed map and the design or improvements of the subdivision are consistent with General Plan and any applicable specific plan, and with the applicable provisions of the Subdivision Map Act and the City Subdivision Code.

Facts in Support of Finding:

- A-1. The project is consistent with the Commercial Corridor and Multiple Unit Residential General Plan designations of the project site.
- A-2. The Public Works Department has reviewed the proposed tentative map and found it consistent with the Newport Beach Subdivision Code (Title 19) and applicable requirements of the Subdivision Map Act.
- A-3. Conditions of approval have been included to ensure compliance with Title 19.

Finding:

B. That the site is physically suitable for the type and density of development.

Facts in Support of Finding:

- B-1. The residential portion of the project site is currently a vacant paved/gravel lot and the commercial portion of the project site is currently developed with a 535-square-foot delicatessen.
- B-2. The site where construction will occur is relatively flat and based on the geologic investigation, the site is safe and suitable for development. The subject property has been placed with a significant amount of fill to provide a generally level site perched above the neighboring descending ravine. The fills encountered appear to be dense and compacted to acceptable levels. Expansive soils were encountered and the soils report recommends special attention be given to the project design and maintenance in compliance with Expansive Soil Guidelines.
- B-3. A preliminary Acoustical Study prepared for the project estimates that future traffic noise exposure will be 72.5 dB CNEL to the nearest facades to East Coast Highway. All multi-family projects must comply with the State of California's noise standards that specify that the intrusion of noise from exterior sources (such as traffic) shall not exceed a CNEL of 45 dB within the interior of any habitable space. This is also consistent with the City's interior noise standards established in the General Plan Noise Element, including Policy N1.1, N1.2, and N1.5. The Acoustical Study concludes that with appropriate noise control measures incorporated into the design of the proposed project (e.g., ventilation and air conditioning, weather stripping, increased sound-rated doors, windows, and wall finishes, etc.), no significant noise impacts will occur

and the interior noise levels would comply with the City and State interior noise standard of 45 dB CNEL for residential units.

Finding:

C. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. However, notwithstanding the foregoing, the decision-making body may nevertheless approve such a subdivision if an environmental impact report was prepared for the project and a finding was made pursuant to Section 21081 of the California Environmental Quality Act that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

Facts in Support of Finding:

- C-1. The portion of the project site to be developed does not support any environmental resources as indicated in the jurisdictional delineation prepared for the project. The project would not require discharge of fill into areas subject to Army Corp of Engineers, California Department of Fish and Game, or California Coastal Commission jurisdiction within the Buck Gully drainage. As such, there would be no significant impacts to the Buck Gully drainage associated with the project.
- C-2. Portions of the Buck Gully drainage are within areas that could be potentially affected by fuel modification activities, including cutting of vegetation. The jurisdictional delineation concludes that alkali bulbrush and southern cattail are growing in the stream channel and account for minimal biomass and would not likely require removal or thinning, as they pose no fire risk or theat. As such, there would be no impacts to wetland vegetation associated with the project.

Finding:

D. That the design of the subdivision or the type of improvements is not likely to cause serious public health problems.

Facts in Support of Finding:

- D-1. The project consists of six residential units and commercial development at 0.75 floor area ratio as allowed by the Zoning Code and the General Plan.
- D-2. No evidence is known to exist that would indicate that the planned subdivision pattern will generate any serious public health problems.
- D-3. All construction for the project will comply with Building, Public Works, and Fire Codes. Public improvements will be required of the developer per Section

19.28.10 of the Municipal Code and Section 66411 of the Subdivision Map Act. All ordinances of the City and all Conditions of Approval will be complied with.

Finding:

E. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the decision-making body may approve a map if it finds that alternate easements, for access or for use, will be provided and that these easements will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the City Council to determine that the public at large has acquired easements for access through or use of property within a subdivision.

Facts in Support of Finding:

- E-1. That the design of the development will not conflict with any easements acquired by the public at large for access through or use of property within the proposed development.
- E-2. That public improvements will be required of the applicant per the Municipal Code and the Subdivision Map Act.
- E-3. An existing 7.5-foot-wide utilities easement at the rear of the two lots will be retained. An approximately 15-foot-wide access and utilities easement located along the eastern side of the residential lot that is no longer needed would be vacated. An existing slope and drainage easement over the southeasterly corner of the residential lot would also be vacated and replaced with a new variable width storm drain easement. Southern California Edison power lines running in the rear of the property will be re-routed and placed underground.

Finding:

F. That, subject to the detailed provisions of Section 66474.4 of the Subdivision Map Act, if the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Williamson Act), the resulting parcels following a subdivision of the land would not be too small to sustain their agricultural use or the subdivision will result in residential development incidental to the commercial agricultural use of the land.

Facts in Support of Finding:

F-1. The site is not subject to a Williamson Act contract.

Finding:

G. That, in the case of a "land project" as defined in Section 11000.5 of the California Business and Professions Code: (a) there is an adopted specific plan for the area to be included within the land project; and (b) the decision-making body finds that the proposed land project is consistent with the specific plan for the area.

Facts in Support of Finding:

G-1. The subject property is not located within the boundaries of a specific plan.

Finding:

H. That solar access and passive heating and cooling design requirements have been satisfied in accordance with Sections 66473.1 and 66475.3 of the Subdivision Map Act.

Facts in Support of Finding:

- H-1. Title 24 of the Uniform Building Code requires new construction to meet minimum heating and cooling efficiency standards depending on location and climate.
- H-2. The Newport Beach Building Division will enforce Title 24 compliance through the plan check and field inspection processes for the construction of any future proposed residences.

Finding:

I. That the subdivision is consistent with Section 66412.3 of the Subdivision Map Act and Section 65584 of the California Government Code regarding the City's share of the regional housing need and that it balances the housing needs of the region against the public service needs of the City's residents and available fiscal and environmental resources.

Facts in Support of Finding:

I-1. There are no existing dwelling units on the project site. Rather the proposed project includes the construction of six new condominium units to contribute to the City's share of the regional housing need. The applicant will be responsible for the payment of appropriate fair share, park, and housing in-lieu fees for the development of these new dwelling units.

Finding:

J. That the discharge of waste from the proposed subdivision into the existing sewer system will not result in a violation of existing requirements prescribed by the Regional Water Quality Control Board.

Facts in Support of Finding:

- J-1. Waste discharge will be directed into the existing sewer system and will not violate Regional Water Quality Control Board (RWQCB) requirements.
- J-2. Sewer connections have been conditioned to be installed per City Standards, the applicable provisions of Chapter 14.24 (Sewer Connection, Permits), and the latest revision of the Uniform Plumbing Code.

Finding:

K. For subdivisions lying partly or wholly within the Coastal Zone, that the subdivision conforms with the certified Local Coastal Program and, where applicable, with public access and recreation policies of Chapter Three of the Coastal Act.

Facts in Support of Finding:

K-1. The project site is not located within the Coastal Zone.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

- The Planning Commission of the City of Newport Beach hereby approves Site Development Review No. SD2012-001, Conditional Use Permit No. UP2012-011, Modification Permit No. MD2012-011, Variance No. VA2012-002, and Tentative Tract Map No. NT2012-001(PA2012-061) subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
- 2. This Site Development Review, Conditional Use Permit, Modification Permit, and Variance actions shall become final and effective fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.
- 3. This Tentative Tract Map action shall become final and effective ten days after the adoption of this Resolution unless within such time an appeal is filed with the Director of Community Development in accordance with the provisions of Title 19 Subdivisions, of the Newport Beach Municipal Code.

PASSED, APPROVED AND ADOPTED THIS 6^{TH} DAY OF DECEMBER, 2012.
AYES:
NOES:
ABSTAIN:
ABSENT:
BY: Michael Toerge, Chairman
BY: Fred Ameri, Secretary
i led Amen, Georgialy

EXHIBIT "A"

CONDITIONS OF APPROVAL

PLANNING

- 1. The development shall be in substantial conformance with the approved site plan, floor plans, and building elevations stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
- Site Development Review No. SD2012-001, Conditional Use Permit No. UP2012-011, Modification Permit No. MD2012-011, and Variance No. VA2012-002 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.91.050 of the Newport Beach Municipal Code, unless an extension is otherwise granted.
- 3. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
- 4. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of Site Development Review No. SD2012-001, Conditional Use Permit No. UP2012-011, Modification Permit No. MD2012-011, and Variance No. VA2012-002.
- 5. <u>Prior to the issuance of a building permit</u>, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
- 6. <u>Prior to the issuance of building permits</u>, Fair Share Traffic Fees shall be paid for the new dwelling units and commercial floor area in accordance with Chapter 15.38 of the Newport Beach Municipal Code.
- 7. <u>Prior to issuance of building permits</u>, an in-lieu housing fee for six dwelling units (currently \$20,513.00 per new additional dwelling unit) shall be paid in accordance City Council Resolution No. 2010-44 of the Newport Beach Municipal Code.
- 8. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner, or the leasing agent.
- 9. This approval may be modified or revoked by the Planning Commission should they determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
- 10. The existing food use shall continue operating in compliance with the conditions of approval of Specialty Food Permit No. 38. Any intensification of use shall require the application of a new conditional or minor use permit.

- 11. The existing power poles and overhead power lines located at the rear of the property shall be removed and the power lines shall be undergrounded.
- 12. Flat roof portions of the commercial building shall be constructed to meet "cool roofs" standards for energy efficiency; however, the color and material shall not result in glare as viewed from the residents above. No mechanical equipment shall be permitted on the roof, except within the designated mechanical well and shall not be visible from East Coast Highway or the adjacent residential properties.
- 13. The floor plans and building envelopes for each residential unit are approved as precise plans, unless revisions are approved by the Community Development Director. Future floor area additions to the building envelopes shall be prohibited. The proposed open patio and deck areas for each unit shall not be permitted to be enclosed and the landscape and common open space areas proposed throughout the development site shall be preserved.
- 14. A total of 10 parking spaces shall be provided within the shared parking lot as illustrated on the approved plans and shall be available for use by guest of the residential tenants and commercial tenants and customers.
- 15. All employees of the commercial building are required to park on site.
- 16. The shared 10-space parking lot shall be used for the parking of passenger vehicles only, with the exception of temporary parking for the loading and unloading of commercial and residential delivery trucks.
- 17. Commercial overnight parking within the shared 10-space parking lot shall be prohibited. Residential guest parking overnight is permitted.
- 18. The future homeowner's association for the condominium development and the property owner of the commercial property shall enter into a reciprocal parking and access agreement for the joint use of the 10-space surface parking lot ensuring the permanently availability of parking. The agreement, approved as to form the City Attorney's Office, shall be recorded prior to the issuance of the Certificate of Occupancy or final of building permits.
- 19. No signs, other than signs designating entrances, exits, and conditions of use shall be maintained in the shared parking lot. Signs shall not exceed four square feet in area and five feet in height. The number and location shall be approved by the Community Development Director before installation.
- 20. <u>Prior to the issuance of building permits</u>, documents/plans shall be submitted demonstrating compliance with the requirements of Chapter 14.17 (Water-Efficient Landscaping Ordinance) of the Municipal Code.

- 21. All landscape materials and irrigation systems shall be maintained in accordance with the approved landscape plan. All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing and trimming. All landscaped areas shall be kept free of weeds and debris. All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance.
- Prior to the issuance of a building permits, the applicant shall submit a landscape and irrigation plan prepared by a licensed landscape architect. These plans shall incorporate drought tolerant plantings and water efficient irrigation practices, and the plans shall be approved by the Planning Division and the Municipal Operations Department. All planting areas shall be provided with a permanent underground automatic sprinkler irrigation system of a design suitable for the type and arrangement of the plant materials selected. The irrigation system shall be adjustable based upon either a signal from a satellite or an on-site moisture-sensor. Planting areas adjacent to vehicular activity shall be protected by a continuous concrete curb or similar permanent barrier. Landscaping shall be located so as not to impede vehicular sight distance to the satisfaction of the Traffic Engineer.
- 23. <u>Prior to the final of building permits</u>, the applicant shall schedule an inspection by the Planning Division to confirm that all landscaping was installed in accordance with the approved landscape plan
- 24. Water leaving the project site due to over-irrigation of landscape shall be minimized. If an incident such as this is reported, a representative from the Code and Water Quality Enforcement Division shall visit the location, investigate, inform and notice the responsible party, and, as appropriate, cite the responsible party and/or shut off the irrigation water.
- 25. Water should not be used to clean paved surfaces such as sidewalks, driveways, parking areas, etc. except to alleviate immediate safety or sanitation hazards
- 26. Prior to the issuance of building permits, the applicant shall prepare photometric study in conjunction with a final lighting plan for approval by the Planning Division. The survey shall show that lighting values are "1" or less at all property lines. Higher lighting levels are subject to the review and approval of the Community Development Director where it can be shown to be in compliance with the purpose and intent of the Outdoor Lighting section of the Zoning Code.
- 27. <u>Prior to issuance of the certificate of occupancy or final of building permits,</u> the applicant shall schedule an evening inspection by the Code and Water Quality Enforcement Division to confirm control of light and glare.
- 28. All trash shall be stored within the building or within dumpsters stored in the trash enclosure (three walls and a self-latching gate) or otherwise screened from view of neighboring properties, except when placed for pick-up by refuse collection agencies.

- The trash enclosure shall have a decorative solid roof for aesthetic and screening purposes.
- 29. The applicant shall ensure that the trash dumpsters and/or receptacles are maintained to control odors. This may include the provision of either fully self-contained dumpsters or periodic steam cleaning of the dumpsters, if deemed necessary by the Planning Division. Cleaning and maintenance of trash dumpsters shall be done in compliance with the provisions of Title 14, including all future amendments (including Water Quality related requirements).
- 30. Trash receptacles for patrons shall be conveniently located both inside and outside of the establishment, however, not located on or within any public property or right-ofway
- 31. Prior to the issuance of the certificate of occupancy or final of building permits, the future homeowners association shall enter into an agreement with the property owner of the commercial property to allow the use of the trash enclosure and to establish the terms of use and refuse collection.
- 32. The exterior of the businesses shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter debris and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.
- 33. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10:00 p.m. and 8:00 a.m., daily, unless otherwise approved by the Community Development Director, and may require an amendment to the Conditional Use Permit.
- 34. No outside paging system shall be utilized in conjunction with this development.
- 35. The operator of the commercial building shall be responsible for the control of noise generated by the subject facility including, but not limited to, noise generated by tenants, patrons, food service operations, and mechanical equipment. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 and other applicable noise control requirements of the Newport Beach Municipal Code.
- 36. Storage outside of the buildings in the front or at the rear of the property shall be prohibited, with the exception of the required trash container enclosure.
- 37. Kitchen exhaust fans shall be installed/maintained in accordance with the Uniform Mechanical Code. The issues with regard to the control of smoke and odor shall be directed to the South Coast Air Quality Management District
- 38. All exits shall remain free of obstructions and available for ingress and egress at all times.
- 39. No building permits may be issued until the appeal period has expired, unless otherwise approved by the Planning Division. Building permits for structures located

- across the existing property lines shall not be issued until the tract map has been recorded.
- 40. A copy of these conditions of approval shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
- To the fullest extent permitted by law, applicant shall indemnify, defend and hold 41. harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Plaza Corona Del Mar including, but not limited to, the Conditional Use Permit No. UP2012-011, Modification Permit No. MD2012-011, Site Development Review No. SD2012-001, Tentative Tract Map No. NT2012-001, and Variance No. VA2012-002 (PA2012-061). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Fire Department Conditions

- 42. Fire flow shall be provided in accordance with Guideline B.01 "Determination of Required Fire Flow." The fire flow will determine the number of fire hydrants required for the project.
- 43. Structures shall meet the requirements of Chapter 7A of the California Building Code, as amended by the City of Newport Beach.
- 44. New and existing structures in the project will be required to have fire sprinklers. The sprinkler system shall be monitored by a UL certified alarm service company.
- 45. The end of the drive aisle of the shared parking lot shall be identified as a fire lane and marked as per N.B.F.D. Guideline C.01.
- 46. Trash enclosures shall be located at least five feet from structures, unless, fire sprinklers are provided in the trash enclosure/structure.
- 47. A fuel modification plan shall be required for all landscape and must be submitted to the Fire Department. All requirements from N.B.F.D. Guideline G.02 "Fuel Modification Plans and Maintenance Standard" must be met. As per Guideline G.02. tree species are not allowed within 10 feet of combustible structures.

Building Division Conditions

- 48. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements. The proposed residential dwelling units do not meet the definition of "townhouse" per CBC 202.
- 49. Full access compliance shall be demonstrated and provided in accordance with the February 8, 2012, Building Division letter, CBC 11A and CBC 11B at the time of permit application. The floor and seating plans submitted with the Project Review plans are for reference only. Subsequent plan changes may be required due to code changes prior to submittal for plan review and permitting. This project review does not constitute approval of the floor plans, parking, or other access compliance issues.
- 50. All sides of both the commercial and residential structures shall fully comply with the Special Fire Protection Area requirements at the time of permit submittal. These requirements may be found in CBC 7A, Newport Beach Municipal Code and related codes.
- 51. <u>Prior to the issuance of building permits</u>, a preliminary plan review meeting shall be scheduled with the Building Division.
- 52. The applicant shall employ the following best available control measures ("BACMs") to reduce construction-related air quality impacts:

Dust Control

- Water all active construction areas at least twice daily.
- Cover all haul trucks or maintain at least two feet of freeboard.
- Pave or apply water four times daily to all unpaved parking or staging areas.
- Sweep or wash any site access points within two hours of any visible dirt deposits on any public roadway.
- Cover or water twice daily any on-site stockpiles of debris, dirt or other dusty material.
- Suspend all operations on any unpaved surface if winds exceed 25 mph.

Emissions

- Require 90-day low-NOx tune-ups for off road equipment.
- Limit allowable idling to 30 minutes for trucks and heavy equipment

Off-Site Impacts

- Encourage car pooling for construction workers.
- Limit lane closures to off-peak travel periods.
- Park construction vehicles off traveled roadways.
- Wet down or cover dirt hauled off-site.
- Sweep access points daily.
- Encourage receipt of materials during non-peak traffic hours.
- Sandbag construction sites for erosion control.

Fill Placement

- The number and type of equipment for dirt pushing will be limited on any day to ensure that SCAQMD significance thresholds are not exceeded.
- Maintain and utilize a continuous water application system during earth placement and compaction to achieve a 10 percent soil moisture content in the top six-inch surface layer, subject to review/discretion of the geotechnical engineer.
- Prior to issuance of grading permits, the applicant shall prepare and submit a Water Quality Management Plan (WQMP) for the proposed project, subject to the approval of the Building Division and Code and Water Quality Enforcement Division. The WQMP shall provide appropriate Best Management Practices (BMPs) to ensure that no violations of water quality standards or waste discharge requirements occur.
- 54. A list of "good house-keeping" practices will be incorporated into the long-term post-construction operation of the site to minimize the likelihood that pollutants will be used, stored or spilled on the site that could impair water quality. These may include frequent parking area vacuum truck sweeping, removal of wastes or spills, limited use of harmful fertilizers or pesticides, and the diversion of storm water away from potential sources of pollution (e.g., trash receptacles and parking structures). The Stage 2 WQMP shall list and describe all structural and non-structural BMPs. In addition, the WQMP must also identify the entity responsible for the long-term inspection, maintenance, and funding for all structural (and if applicable Treatment Control) BMPs.
- 55. The construction and equipment staging area shall be located in the least visually prominent area on the site, or another site approved by the Community Development Director, and shall be properly maintained and/or screened to minimize potential unsightly conditions.
- 56. A six-foot-high screen and security fence shall be placed around the construction site during construction.
- 57. Construction equipment and materials shall be properly stored on the site when not in use.

Public Works Conditions

- 58. An encroachment permit is required for all work activities with the public right-of-way.
- 59. The parking lot layout shall comply with City Standard F#805-L-A&B and shall be approved by the Public Works Department prior to the issuance of building permits.
- 60. All improvements adjacent to the proposed driveway approaches shall comply with the City's sight distance requirement, City Standard 110-L.

- 61. In case of damage done to existing public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way could be required at the discretion of the Public Works Inspector.
- 62. County Sanitation District fees shall be paid prior to the issuance of any building permits.
- 63. Prior to commencement of demolition and grading of the project, the applicant shall submit a construction management and delivery plan to be reviewed and approved by the Public Works Department. The plan shall include discussion of project phasing; parking arrangements for both sites during construction; anticipated haul routes and construction mitigation. Upon approval of the plan, the applicant shall be responsible for implementing and complying with the stipulations set forth in the approved plan.
- 64. Traffic control and truck route plans shall be reviewed and approved by the Public Works Department before their implementation. Large construction vehicles shall not be permitted to travel narrow streets as determined by the Public Works Department. Disruption caused by construction work along roadways and by movement of construction vehicles shall be minimized by proper use of traffic control equipment and flagman.
- 65. Each unit shall have a dedicated water service installed per STD-502-L or STD-503-L, depending on the size.
- 66. New and existing fire services, when required by Fire Department shall be protected by a City approved double check detector assembly and installed per STD-517-L.
- 67. New and existing commercial water meter(s) shall be protected by a City approved reduced pressure backflow assembly and installed per STD-520_L-A.
- 68. Landscaping lines shall have a dedicated meter and shall be protected by a dedicated City approved reduced pressure backflow assembly per STD-520-L-A.
- 69. The proposed driveway to the underground parking garage shall have a maximum slope of 15 percent and a maximum change of grade of 11 percent per City Standard #160-L-C.
- 70. <u>Prior to the issuance of a Certificate of Occupancy for the proposed structures</u>, all public improvements shall be constructed as required by Ordinance and these conditions of approval.

Tract Map Conditions

71. A Final Tract Map shall be recorded. The Map shall be prepared on the California coordinate system (NAD83). Prior to recordation of the Map, the surveyor/engineer preparing the Map shall submit to the County Surveyor and the City of Newport Beach, a digital-graphic file of said map in a manner described in Section 7-9-330 and 7-9-

- 337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. The Map to be submitted to the City of Newport Beach shall comply with the City's CADD Standards. Scanned images will not be accepted.
- 72. Prior to recordation of the Final Tract Map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Monuments (one inch iron pipe with tag) shall be set on each corner unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of construction project.
- 73. Prior to recordation of the Final Tract Map, the applicant shall provide a bond/surety in order to guarantee completion of all required public improvements. The bond/surety shall be reviewed and approved by the Public Works Department.
- 74. The existing concrete curb, gutter, and sidewalk along the East Coast Highway frontage shall be reconstructed, per City Standards.
- 75. The unused driveway approaches shall be abandoned and reconstructed with full height curb, gutter, and sidewalk per City Standard #165-L.
- 76. Proposed driveway approaches shall be constructed per City Standard #162-L.
- 77. The proposed storm drain relocation shall be subject to review and approval by the Public Works Department.
- 78. A variable width storm drain easement measured 5-feet from the westerly side of the centerline of the proposed new storm drain location to the easterly property line shall be granted to the City.
- 79. New 36-inch box street trees will be required to be planted on East Coast Highway. The designated street tree for this segment of East Coast Highway is the King Palm (Archontophoenix Cunningham). The number and location of these street trees are subject to approval by the Public Works Department and the Parks and Trees Division of the Municipal Operations Department.
- 80. <u>Prior to or concurrently with the recordation of the Final Tract Map</u>, an approximately 15-foot wide access and utilities easement through the site adjacent to the eastern property line of 3928 East Coast Highway shall be vacated.
- 81. <u>Prior to or concurrently with the recordation of the Final Tract Map</u>, an existing slope and drainage easement at the southeast portion of the subject property will be realigned so that it will not conflict with the location of proposed structures.
- 82. Applicant is responsible for all upgrades to the City's utilities as required to fulfill the project's demand; a new 8-inch VCP sewer main shall be installed from the manhole

at the Seaward Road/Coast Highway Intersection to the property's frontage. A new sewer main terminal cleanout shall be installed at the end of the new 8-inch BCP main per STD-400-L. Each unit shall have a dedicated sewer lateral with cleanouts installed per STD-406-L.

- 83. Prior to the recordation of the Final Tract Map, a park dedication fee for six dwelling units (currently \$26,125.00 per new additional dwelling unit) shall be paid in accordance with Chapter 19.52 of the Newport Beach Municipal Code. This fee shall be paid upon submittal of the map to the Public Works Department for plan check and deposited into the appropriate Service Area account as identified in the Recreation and Open Space Element of the General Plan.
- 84. The easterly property line of the proposed Lot 2 shall be revised on the Final Tract Map such that the prolongation of the easterly property line directly intersects with the rear property line (i.e. the approximately 82-square-foot notched area illustrated at the northeasterly corner of Lot 2 shall be made a part of Lot 2 and removed from Lot 1).

Attachment No. PC 2

Draft Resolution for Denial

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH DENYING WITHOUT PREJUDICE CONDITIONAL USE PERMIT NO. UP2012-011, MODIFICATION PERMIT NO. MD2012-011, SITE DEVELOPMENT REVIEW NO. SD2012-001, TENTATIVE TRACT MAP NO. NT2012-001, AND VARIANCE NO. VA2012-002 FOR THE CONSTRUCTION OF A 2,160-SQUARE-FOOT COMMERCIAL OFFICE ADDITION AND SIX DWELLING UNITS LOCATED AT 3900 AND 3928 EAST COAST HIGHWAY (PA2010-061)

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

- 1. An application was filed by Marcelo E. Lische, the architect representing property owner, Magdi Hanna, with respect to property located at 3900 and 3928 East Coast Highway, and legally described as Lots 54, 55, 56, 57, 58, and portions of abandoned alley, Block B, Tract No. 673 requesting approval of a site development review, conditional use permit, modification permit, tentative tract map, and variance.
- 2. The project includes a horizontal mixed-use development with six detached dwelling units above a common subterranean parking structure, a 2,160-square-foot office addition above an existing 535-square-foot delicatessen (Gallo's Deli), and a 10-space shared surface parking lot. The following approvals are requested or required in order to implement the project as proposed:
 - a. A site development review to ensure compatibility with the site and surrounding land uses.
 - b. A conditional use permit to allow parking for nonresidential uses in a residential zoning district and to allow off-site parking.
 - c. A modification permit to allow a retaining wall up to 17 feet 2 inches in height, where the Zoning Code limits the height to 8 feet.
 - d. A variance for the residential structures to establish a 15-foot front setback and corresponding buildable area where a 20-foot setback is currently required.
 - e. A tentative tract map for condominium purposes and to consolidate five lots and portions of a vacated alley into two lots.
- 3. The subject property at 3900 East Coast Highway is located within the Commercial Corridor (CC) Zoning District and the General Plan Land Use Element category is Corridor Commercial (CC).

- 4. The subject property at 3928 East Coast Highway is located within the Multiple Residential (RM) Zoning District and the General Plan Land Use Element category is Multiple-Unit Residential (RM).
- 5. The subject properties are not located within the coastal zone.
- 6. A public hearing was held on December 6, 2012 in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION

1. Pursuant to Section 15270 of the California Environmental Quality Act (CEQA) Guidelines, projects which a public agency rejects or disapproves are not subject to CEQA review.

SECTION 3. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

- 1. The Planning Commission of the City of Newport Beach does hereby deny without prejudice Site Development Review No. SD2012-001, Conditional Use Permit No. UP2012-011, Modification Permit No. MD2012-011, Variance No. VA2012-002, and Tentative Tract Map No. NT2012-001(PA2012-061).
- 2. This action shall become final and effective fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED AND ADOPTED THIS 6TH DAY OF DECEMBER, 2012.

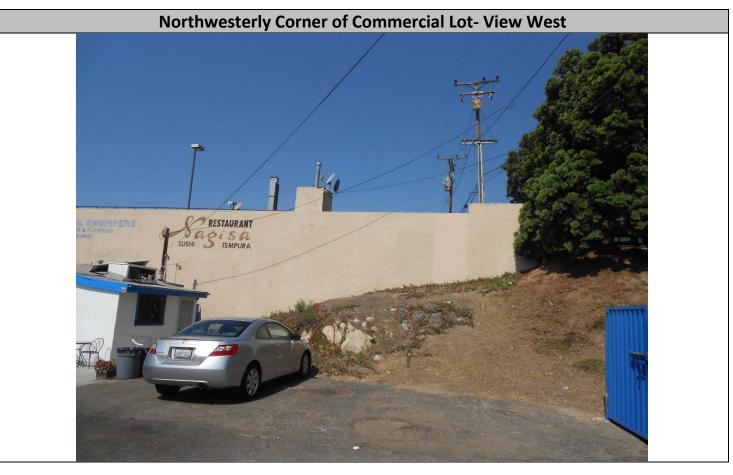
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BY:	
	Michael Toerge, Chairman
BY:	
	Fred Ameri, Secretary

Attachment No. PC 3

Site Photos

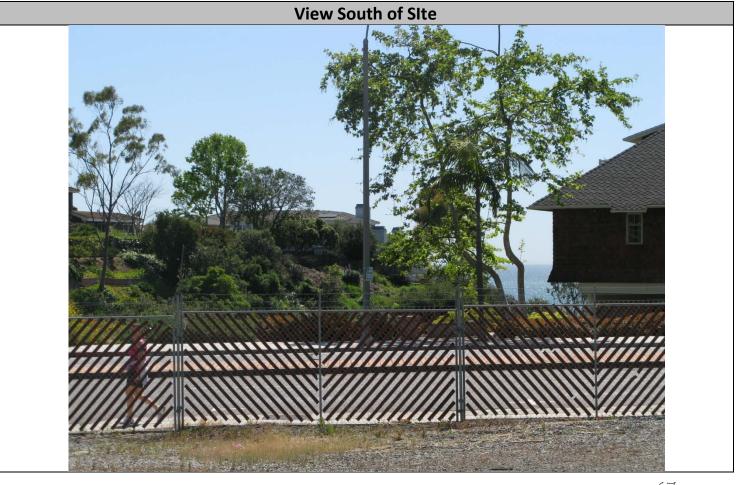


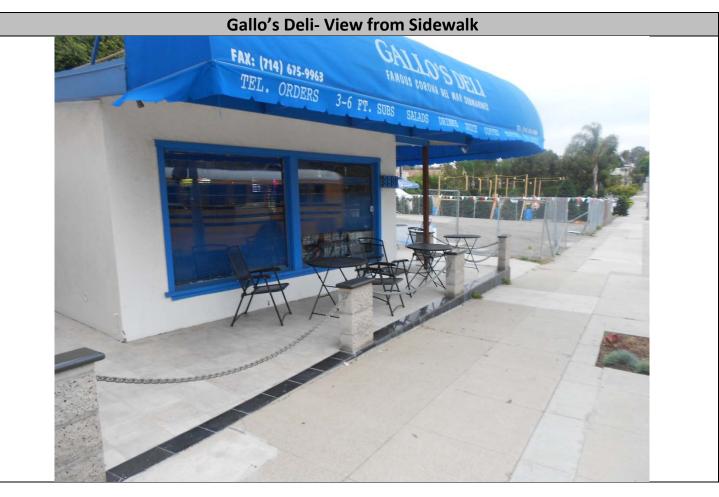








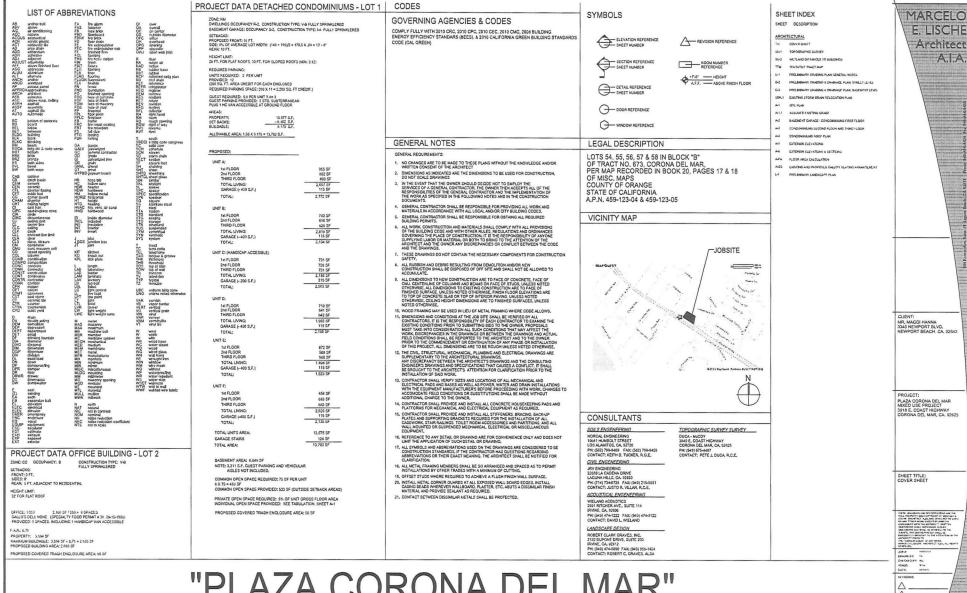






Attachment No. PC 4

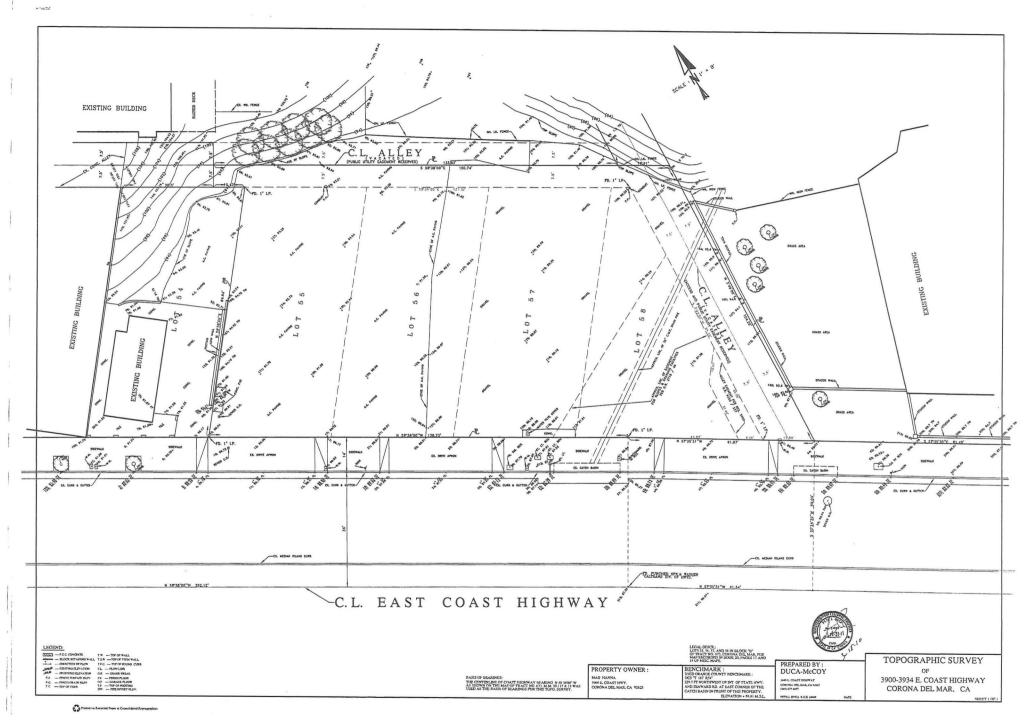
Project Plans

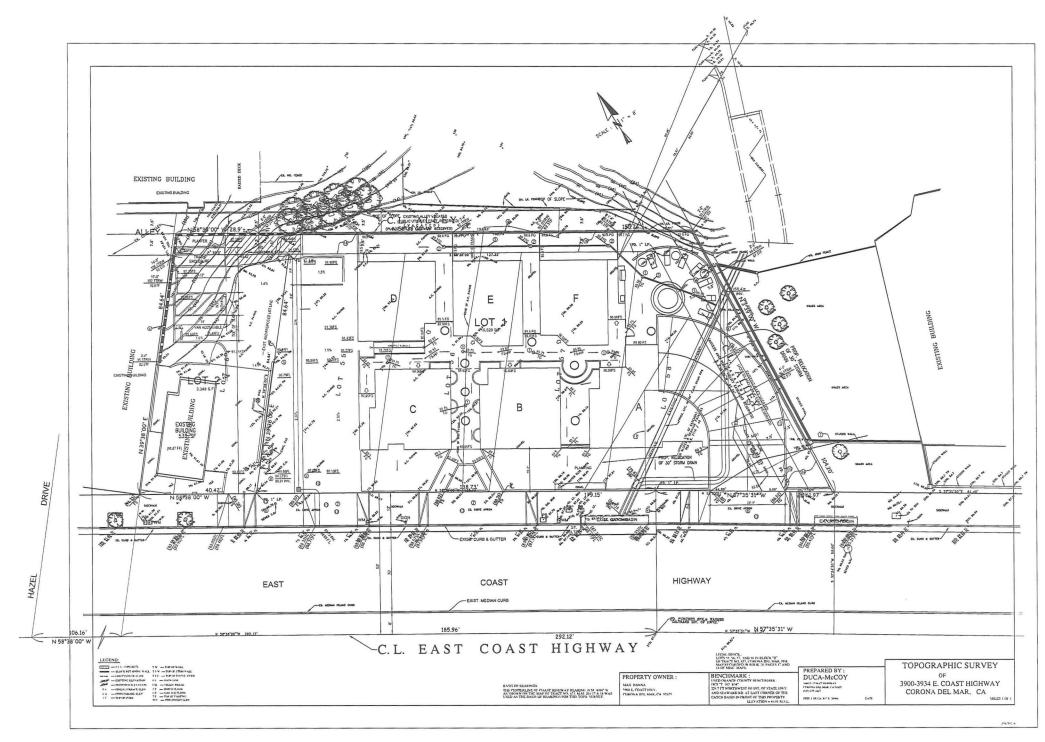


"PLAZA CORONA DEL MAR" MIXED USE: COMMERCIAL / MULTI-FAMILY RESIDENTIAL 3900 / 3918 E. COAST HIGHWAY CORONA DEL MAR, CA. 92625

A.I.A.

TENTATIVE TRACT MAP NO. 17386 BEING A SUBDIVISION OF LOTS 54, 55, 56, 57 AND 58 IN BLOCK "B" OF TRACT NO. 673, IN THE CITY OF NEWPORT BEACH, IN THE COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 20, PAGES 17 & 18 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY. LOT 1 IS FOR CONDOMINIUM PURPOSES OCTOBER, 2012 VICINITY MAP NOTES: USES: LOT SK IS OCCUPIED BY A RESTAURAN LOTE SS. SK. ST AND SS ARE VACANT FIRE AREA: VHPHEZ VERY HIGH FIRE HAZARD SAMETY ZONE DI E LOT 1 O DILMI OWNER / SUBDIVIDER: LOT 2 MAP PREPARER: В 9 0 EXISTING BUILDING 535 SF JUSTO R. VILLAR RCE 20001 (FF 01.07) HIGHWAY EAST COAST (I) — RESOLUTION No. 1644, DISCOUTED BY CITY OF RESPICANT MADILAR HETRILBERT No. 64/RC. On BUTTOMBER SE, 1886 OF OFFICIAL RECORDS - FOR THE VECATION OF ALLEYS ON LOTS SE, SE, SF AND SE.





GENERAL GRADING SPECIFICATION

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PRELIMINARY GRADING & DRAINAGE PLAN

3900 E. COAST HIGHWAY

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PRIVATE ENGINEER'S NOTICE TO CONTRACTOR

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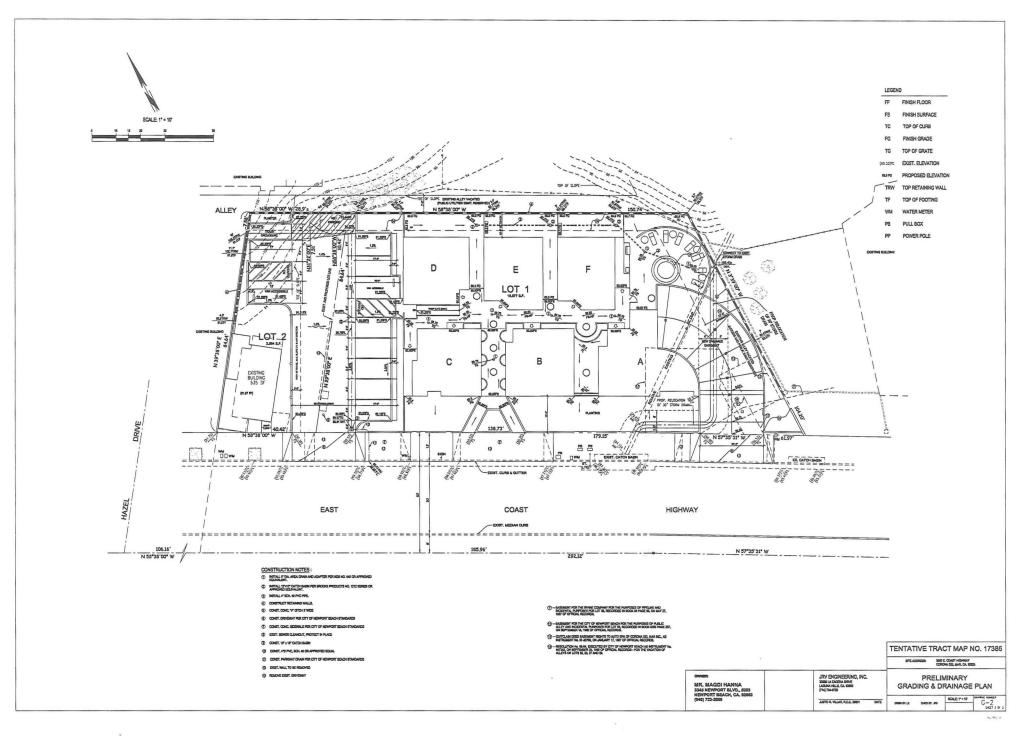
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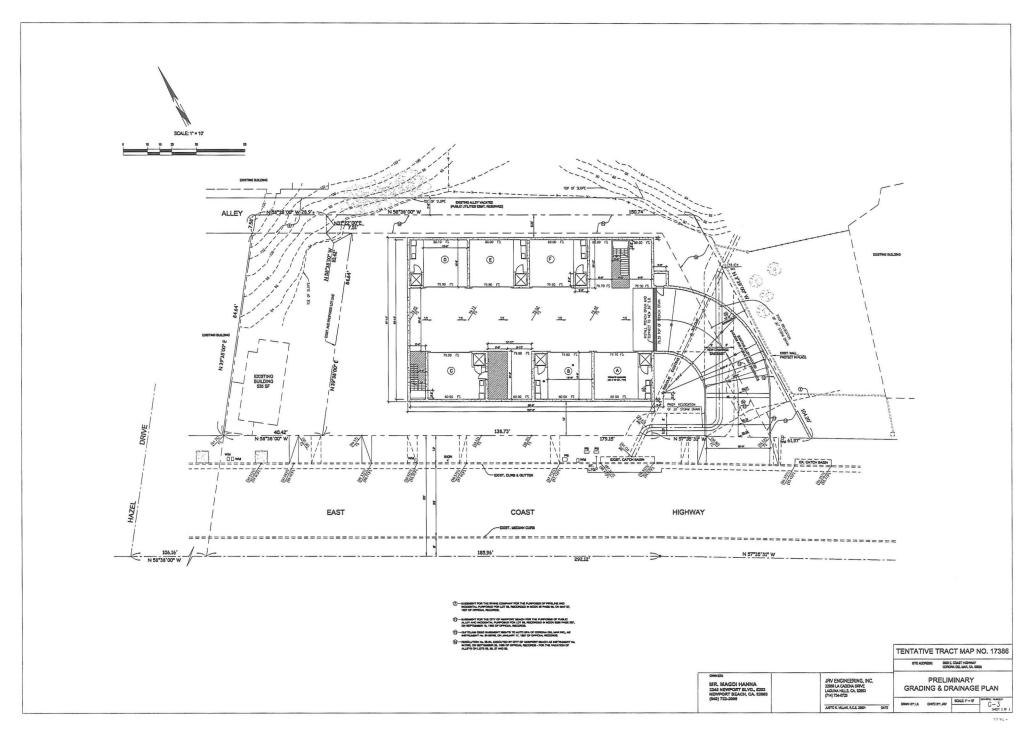
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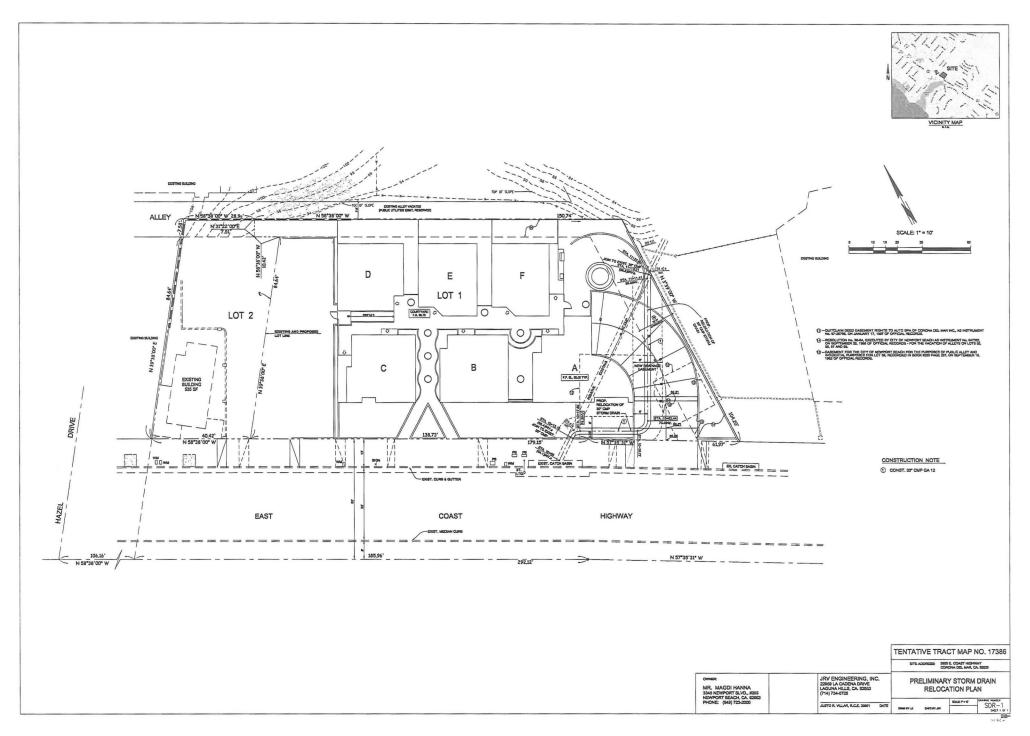
TENTATIVE TRACT MAP NO. 17386 STEACHER SIDE COAT HOWAY

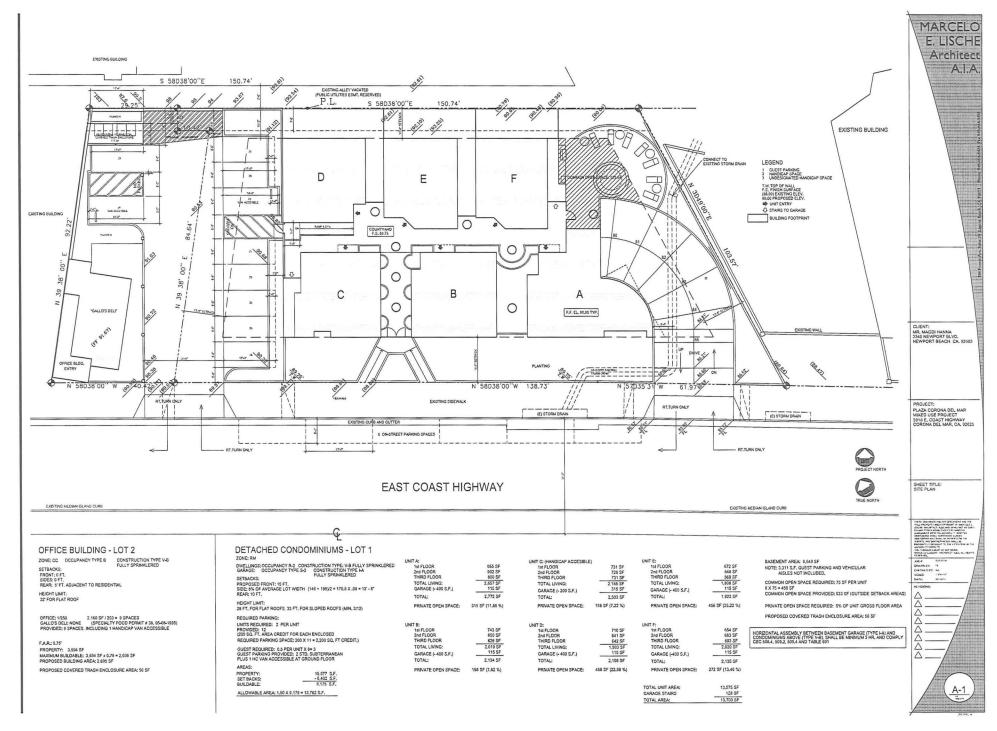
MR. MAGDI HANNA 3348 NEWPORT BLVD., 5203 NEWPORT BEACH, CA 52085 PHONE: [048] 723-2000

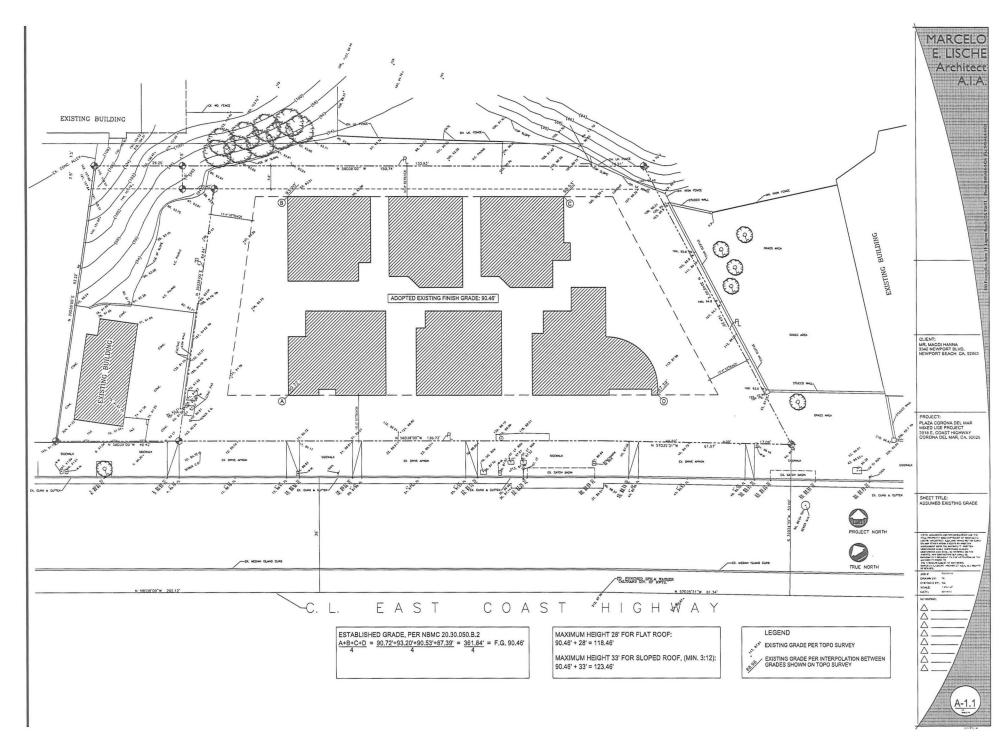
PRELIMINARY GRADING & DRAINAGE PLAN TITLE SHEET

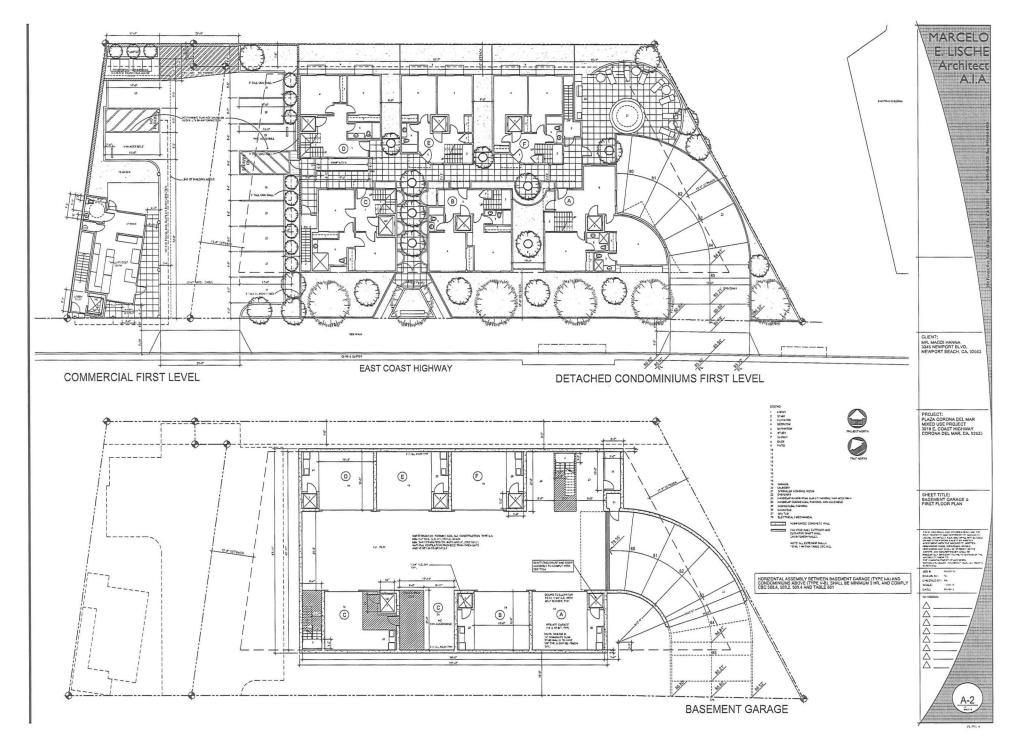


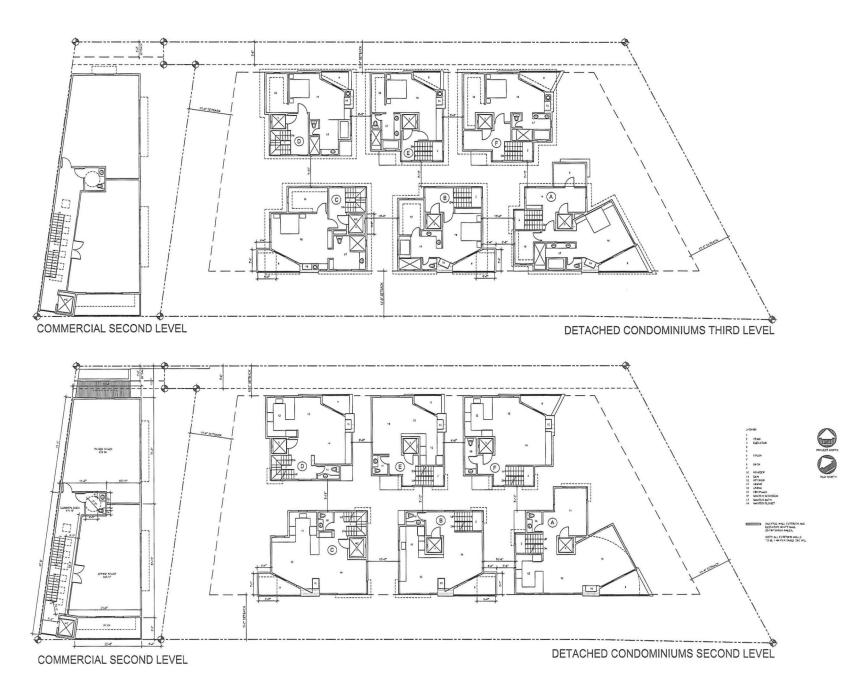




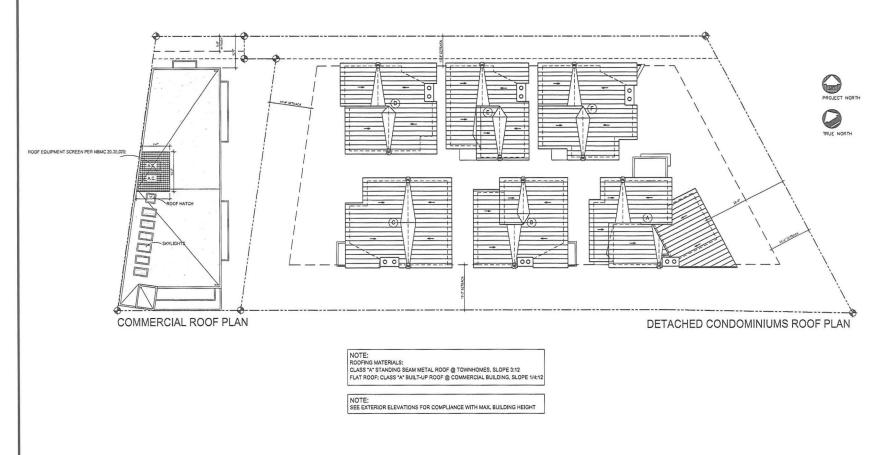




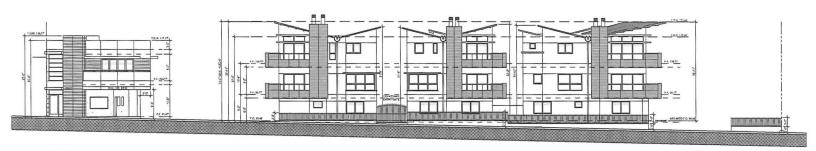




MARCELO E. LISCHE Architect A.I.A. CLIENT: MR, MAGDI HANNA 3345 NEWPORT BLVD, NEWPORT BEACH, CA, 92603 SHEET TITLE: SECOND & THIRD FLOOR PLAN



MARCELO E. LISCHE Architect A.I.A. PROJECT:
PLAZA CORONA DEL MAR
MIXED USE PROJECT
3018 E. COAST HIGHWAY
CORONA DEL MAR, CA, 92625 4444444



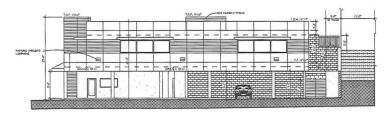
SOUTH ELEVATION (street front)



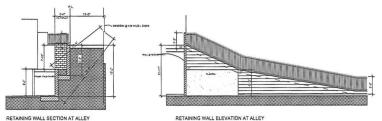
NORTH ELEVATION

BUILDINGS EXPOSED TO SPECIAL FIRE HAZARD ZONE NOTE: ALL EXTERIOR WALLS, DOORS AND WINDOWS TO BE 1HR ASSEMBLY BUILDINGS ARE FULLY SPRINKLERED

EXTERIOR MATERIALS:
7/8° SMOOTH STUCCO, COLOR TO BE DETERMINED
CLASS "A" STANDING SEAM METAL ROOFING
DUAL GLAZE ALLMINUM WINDOWS AND DOORS
STEEL AND TEMPERED GLASS RAILINGS



OFFICE BUILDING EAST ELEVATION



RETAINING WALL ELEVATION AT ALLEY

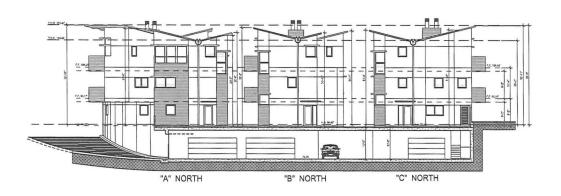
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MARCELO E. LISCHE Architect A.I.A.

CLIENT: MR. MAGDI HANNA 3345 NEWPORT BLVD. NEWPORT BEACH, CA, 92663

PROJECT:
PLAZA CORONA DEL MAR
MIXED USE PROJECT
3918 E. COAST HIGHWAY
CORONA DEL MAR, CA. 92625

SHEET TITLE: EXTERIOR ELEVATIONS

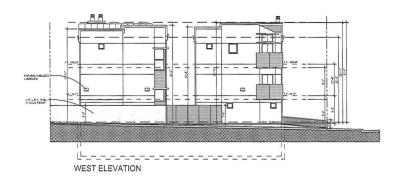


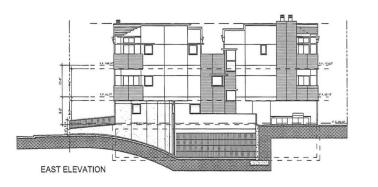


BUILDINGS EXPOSED TO SPECIAL FIRE HAZARD ZONE NOTE: ALL EXTERIOR WALLS, DOORS AND WINDOWS TO BE 1HR ASSEMBLY BUILDINGS ARE FULLY SPRINKLERED

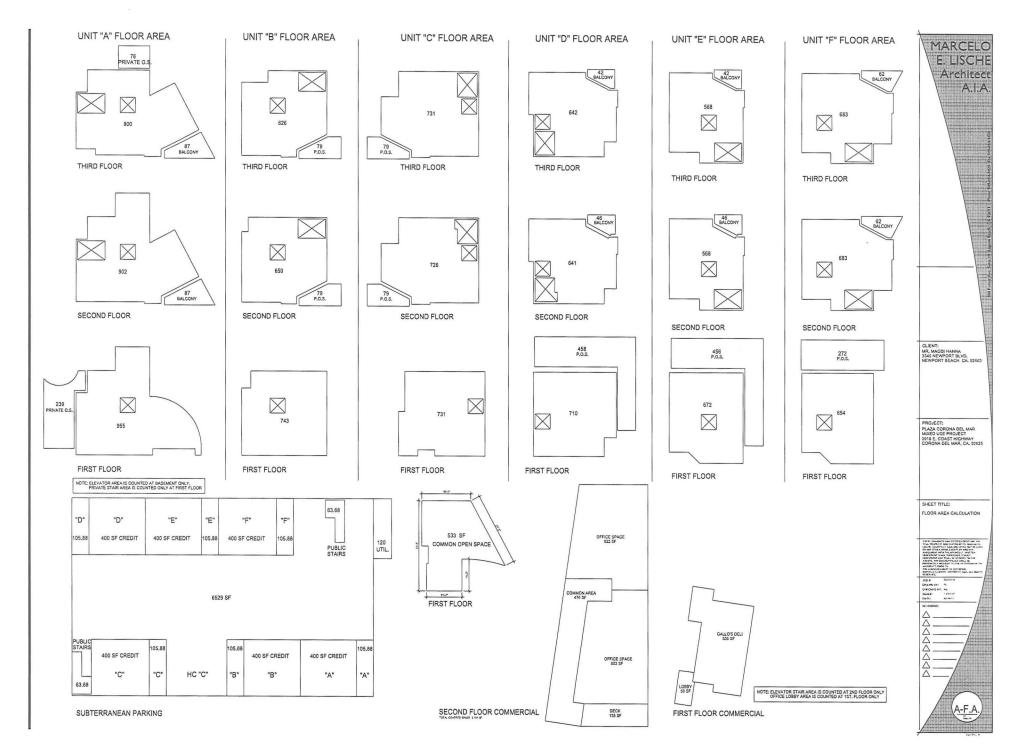
EXTERIOR MATERIALS:

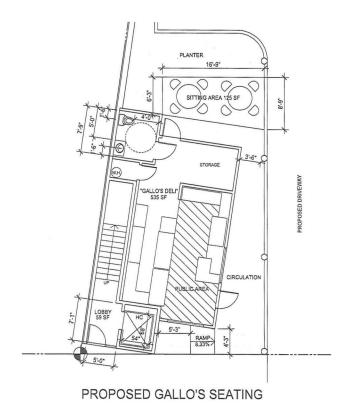
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DUAL CLAZE ALUMINUM WINDOWS AND DOORS
STEEL AND TEMPERED GLASS RAILINGS











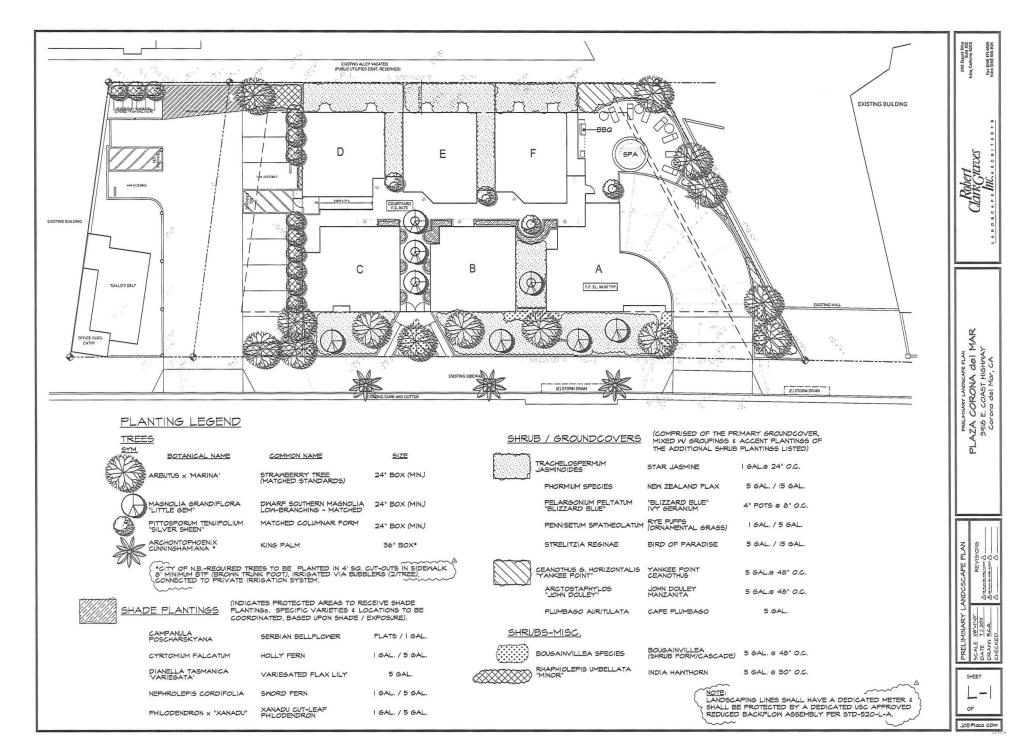
GALLO'S DELL'
SSS SF

EXISTING OUTDOOR PATIO
20 SEATS

PUBLICARE

EXISTING GALLO'S SEATING





Attachment No. PC 5

Specialty Food Permit No. 38



CITY OF NEWPORT BEACH

P.O. BOX 1768, NEWPORT BEACH, CA 92658-8915

PLANNING DEPARTMENT (714) 644-3200

SPECIALTY FOOD SERVICE PERMIT

August 15, 1995

Application No: 38

Applicant: Magdi Hanna/ Gallo's of Corona del Mar

Address of Property Involved: 3900 East Coast Highway

Legal Description: Lot 54, Tract No. 673

Request to permit the establishment of a specialty food service use on property located in the RSC District.

The Planning Department on August 9, 1995, approved the application subject to the following conditions:

- 1. That development shall be in substantial conformance with the approved site plan except as noted in the following conditions.
- 2. That the outdoor dining shall be limited to a maximum area of 125 sq.ft.
- 3. That maximum seating and/or stand-up counter space for no more than 20 customers shall be maintained inside (and/or outside) the subject specialty food use. Any further increase in the number of seating and/or stand-up counter space for customers shall be subject to the approval of a use permit.
- 4. That trash receptacles for patrons shall be conveniently located both inside and outside of the proposed facility.
- 5. That trash generated by the business shall be screened from view from adjoining properties except when placed for pick-up by refuse collection agencies.
- 6. That the hours of operation shall be limited between the hours of 7:00 a.m. and 9:00 p.m.
- 7. That no outside paging system shall be utilized in conjunction with this specialty food establishment.

August 15, 1995

Page - 2

- 8. That should this business be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current owner or the leasing company.
- 9. That no on-sale alcoholic beverages shall be permitted on the premises.
- 10. That no live entertainment or dancing shall be permitted in conjunction with the permitted use.
- 11. That no temporary "sandwich" signs or similar temporary signs shall be permitted, either on-site or off-site, to advertise the specialty food establishment.
- 12. That kitchen exhaust fans shall be designed to control smoke and odor to the satisfaction of the Building Department.
- 13. That where grease may be introduced into the drainage systems, grease interceptors shall be installed on all fixtures as required by the Uniform Plumbing Code, unless otherwise approved by the Building Department and the Utilities Department.
- 14. That the Planning Department may add to or modify conditions of approval to this specialty food service permit, or recommend to the Planning Commission or City Council the revocation of this permit upon a determination that the operation which is the subject of this approval causes injury, or is detrimental to the health, safety, peace, morals, comfort, or general welfare of the community.

The Planning Department determined in this case that the proposal would not be detrimental to persons, property or improvements in the neighborhood and that the specialty food services permit as approved would be consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code, and made the following findings:

- 1. That the proposed specialty food service is retail in nature, serving mainly persons residing or working in the neighborhood, maintains a gross floor area of 2,000 sq.ft. or less, and is not necessarily a destination point. It is anticipated that the proposed use will have parking demand characteristics similar to a retail use.
- 2. That the proposed development is consistent with the Land Use Element of the General and is compatible with the surrounding land uses.
- That the approval of Specialty Food Service Permit No. 38 will not, under the circumstances of this case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of the city.

August 15, 1995 Page - 3

NOTE: This approval shall expire unless exercised within 24 months from the end of the appeal period, and cannot be extended.

The decision of the Planning Department may be appealed by the applicant to the Planning Commission within 14 days of the date of the decision. Any appeal filed shall be accompanied by a filing fee of \$399.00.

PLANNING DEPARTMENT

Dana O. Aslami

Associate Planner

DOA:dk

MEETING DATE 8-9-95 AGENDAITEM APPLICATION ST-38

FILE/COPY

DO NOT REMOVE 35 PCH

GALLO OF CORONA THE MAR, INC.

Attachment No. PC 6

CEQA Exemption Determination

Exemption Determination

Plaza Corona Del Mar Newport Beach, CA

CEQA Section 15332. In-Fill Development Projects

Class 32 exemptions for in-fill development projects are required to meet the following conditions:

(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

<u>3900 East Coast Highway (Commercial Component)</u>: The General Plan Land Use Element designates the site as Corridor Commercial (CC), which is intended to provide a range of neighborhood-serving retail and service uses along street frontages that are located and designed to foster pedestrian activity. Development of the site will be consistent with General Plan policies as indicated below.

Policy LU 1.3:

Protect the natural setting that contributes to the character and identify of Newport Beach and the sense of place it provides for its residents and visitors. Preserve open space resources, beaches, harbor, parks, bluffs, preserves, and estuaries as visual, recreational and habitat resources.

As indicated above, the proposed project provides for new office space above an existing small delicatessen. The existing delicatessen will continue to serve the neighborhood, and the new office space will complement the existing development.

Policy LU 2.8:

Accommodate the types, densities, and mix of land uses that can be adequately supported by transportation and utility infrastructure (water, sewer, storm drainage, energy, and so on) and public services (schools, parks, libraries, seniors, youth, police, fire, and so on).

The proposed project represents "infill" development that can be served by the existing infrastructure. There is adequate capacity in the sewer and water facilities, circulation, and other public services and facilities to provide an adequate level of service to the proposed development.

Policy LU 3.2

Enhance existing neighborhoods, districts, and corridors, allowing for re-use and infill with uses that are complementary in type, form, scale, and character. Changes in use and/or density/intensity should be considered only in those areas that are economically underperforming, are necessary to accommodate Newport Beach's

share of projected regional population growth, improve the relationship and reduce commuting distance between home and jobs, or enhance the values that distinguish Newport Beach as a special place to live for its residents. The scale of growth and new development shall be coordinated with the provision of adequate infrastructure and public services, including standards for acceptable traffic level of service.

The proposed commercial component of the project (i.e., office) represents "in fill" development that complements the existing type and character of the nearby development, which includes a variety of retail, commercial and residential development.

Policy LU 5.3.2

Require that commercial uses adjoining residential neighborhoods be designed to be compatible and minimize impacts through such techniques as:

- Incorporation of landscape, decorative walls, enclosed trash containers, downward focused lighting fixtures, and/or comparable buffering elements;
- Attractive architectural treatment of elevations facing the residential neighborhood;
- Location of automobile and truck access to prevent impacts on neighborhood traffic and privacy.

The proposed commercial component of this project incorporates a variety of features, including sensitive architectural treatment adjacent to the proposed residential component to the east. In addition, vehicular access to the commercial component is separate from the proposed residential dwelling units and will not conflict with that use.

The zoning designation for the site is Commercial Corridor (CC), which is intended to provide for areas appropriate for a range of neighborhood-serving retail and service uses along street frontages that are located and designed to foster pedestrian activity. The project will comply with the development standards and regulations for the CC zoning district with approval of a conditional use permit to allow the required nonresidential off-street parking on the adjacent parcel at 3928 East Coast Highway which is zoned for residential uses, and approval of a modification permit to allow a retaining wall to exceed the 8-foot height limit (up to approximately 17 feet in height).

<u>3928 East Coast Highway (Residential Component)</u>: The General Plan Land Use Element designates the site as Multiple Residential (RM, 8 DU), which is intended to provide primarily for multi-family residential development containing attached or detached dwelling units. The site is limited to a maximum of eight dwelling units. The proposed project consists of the development of six detached dwelling units, which is consistent with the land use designation of the site. The project will be consistent with General Plan policies related to residential development, including but not limited to the following policies.

Policy LU 1.3

Protect the natural setting that contributes to the character and identity of Newport Beach and the sense of place it provides for its residents and visitors. Preserve open space resources, beaches, harbor, parks, bluffs, preserves, and estuaries as visual, recreational and habitat resources.

Adequate setback has been incorporated into the project design to ensure that the wetlands within Buck Gully to the north are preserved. A minimum 72.3-foot setback has been provided between the wetlands and the proposed residential dwelling units. Given the urban character of the area, including the predominance of non-native species that already dominate the banks of the stream and the adjacent slopes, as well as the setback from existing residential structures, which is as little as 70 feet in some areas, the proposed setback is sufficient to maintain the conditions as they currently exist. As a result, with provision of a 72.3-foot buffer, there would be no significant indirect impacts to wetland ESHA associated with the project.

Policy LU 2.3

Provide opportunities for the development of residential units that respond to community and regional needs in terms of density, size, location, and cost. Implement goals, policies, programs, and objectives identified within the City's Housing Element.

The size, density and character of the proposed residential dwelling units complement the existing land uses in the project environs and are consistent with the goals and objectives articulated in the Newport Beach Housing Element, including the development of appropriate, mixed residential and commercial use developments that improve the balance between housing and jobs (Policy H 2.3), among others.

Policy LU 3.2 Refer to the discussion above.

Policy LU 4.1

Accommodate land use development consistent with the Land Use Plan. Figure LU1 depicts the general distribution of uses throughout the City and Figure LU2 through Figure LU15 depict specific use categories for each parcel within defined Statistical Areas. Table LU1 (Land Use Plan Categories) specifies the primary land use categories, types of uses, and, for certain categories, the densities/intensities permitted. to be The permitted densities/intensities or amount of development for land use categories for which this is not included in Table LU1, are specified on the Land Use Plan, Figure LU4 through Figure LU15. These are intended to convey maximum and, in some cases, minimums that may be permitted on any parcel within the designation or as otherwise specified by Table LU2 (Anomaly Locations).

The proposed project is consistent with the land use designation for the subject property. The proposed residential type and density fall within the permitted density range prescribed by the Land Use Element, consistent with this policy.

Policy LU 5.1.2

Require that the height of development in nonresidential and higher-density residential areas transition as it nears lower-density residential areas to minimize conflicts at the interface between the different types of development.

The zoning designation for the site is Multiple Residential (RM, 8 DU), which is intended to provide for areas appropriate for multi-unit residential developments containing attached or detached dwelling units. The site is limited to a maximum of eight dwelling units. The proposed project consists of the development of six detached dwelling units, which is consistent with the zoning designation of the site. With approval of a variance to establish a 15-foot front yard setback, the project will comply with the zoning regulations for the RM zoning district.

The proposed project complies with the height limit established for the subject site, which is located in a mixed use area. Neither the type and density or the building height of the proposed residential development will conflict with the nearby single-family detached residential dwelling units and open space (i.e., Buck Gully) located to the north.

Implementation of the proposed project will require approval of a Site Development Review. The Site Development Review provides a process for review of specific development projects to ensure consistency and compliance with the General Plan and Zoning Code. The proposed project also includes the processing of a tentative tract map to consolidate the residential lots into a single parcel, and for condominium purposes.

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The combined project site is within city limits, and consists of 19,971 square feet or 0.44-acre of land area. While the project site is bounded on the northeast by Buck Gully, an undeveloped canyon, it is surrounded by commercial uses to the west, and residential uses to the north and east of the site, and private institutional uses across East Coast Highway to the south of the project site.

(c) The project site has no value, as habitat for endangered, rare or threatened species.

No native vegetation and/or habitat exists on the subject property. The project site is currently developed with a small delicatessen and surrounding asphalt pavement on the western and southern portions of the site. The eastern portion of the site is currently undeveloped and covered with gravel. The eastern portion of the site was previously developed with a service station which was demolished and remediated in the early 1990's.

The project site is bounded on the northeast by Buck Gully, an area designated as an Environmental Study Area in the Natural Resources Element of the General Plan. However, the subject property is not located within the City's coastal zone and is not subject to a coastal development permit. A preliminary jurisdictional delineation was prepared by a qualified regulatory specialist to determine potential areas of U.S. Army Corps of Engineers (Corps) and/or California Department of Fish and Game (CDFG) jurisdiction, and suspected areas were field-checked for the presence of definable channels and/or wetland vegetation, soils and hydrology. The preliminary study determined project implementation would not encroach into any jurisdictional waters or areas that support native and/or sensitive habitat. As a result, implementation of the proposed project would not result in potentially significant impacts to the Buck Gully drainage. During the site visit, it was also determined that there is no potential for special-status plants or animals to exist on the slopes or to exist within the areas that are potentially affected by fuel modification required with implementation of the proposed project.

The biological assessment and jurisdictional delineation (Exhibit A) determined that the subject property does not support any important and/or sensitive species of vegetation or wildlife. As indicated in that assessment, the Buck Gully drainage is located north of the subject property. The project as proposed provides a setback of 72.3 feet from the 0.005-acre wetland area and fully complies with current City policy (Coastal Land Use Policy 4.2.2.3). Additionally, given the urban character of the area, including the predominance of non-native species that already dominate the banks of the stream and the adjacent slopes, as well as the setback from existing residential structures, which is as little as 70 feet, the proposed setback is more than sufficient to maintain the conditions as they currently exist. As a result, with provision of a 72.3-foot buffer, there would be no significant indirect impacts to wetland ESHA associated with the project. Therefore, no significant impacts to biological resources would occur.

For these reasons, the project site has no value as habitat for endangered, rare or threatened species, and there would no impacts to the adjacent Buck Gully drainage as a result of the proposed project.

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

Traffic generated by up to eight residential dwelling units on the project site, and up to 0.75 FAR was evaluated in the General Plan Update EIR. The project proposes six (6) residential unmits and 0.69 floor area ratio (FAR) for commercial development, which is below the maximum development limits permitted by the General Plan. The project is forecast to generate 59 new average daily trips, which is less than that previously analyzed in the General Plan EIR. As such, the project-related traffic would not cause or contribute to an unacceptable level of service with the circulation network adjacent to the project site. The project will provide adequate, convenient parking for residents, guests, business patrons, and visitors. Approval of the project would not result in any significant effect related to traffic or circulation.

The primary source of noise impacting the project site is the traffic generated on East Coast Highway. All multi-family projects must comply with the State of California's noise standards that specify that the intrusion of noise from exterior sources (such as traffic) shall not exceed a CNEL of 45 dB within the interior of any habitable space. This is also consistent with the City's interior noise standards established in the General Plan Noise Element, including Policy N1.1, N1.2, and N1.5. A preliminary Acoustical Study (Exhibit B) has been prepared to identify the noise standards applied to the project. It is estimated that future traffic noise exposure will be 72.5 dB CNEL to the nearest facades to East Coast Highway. With appropriate noise control measures incorporated into the design of the proposed project (e.g., ventilation and air conditioning, weather stripping, increased sound-rated doors, windows, and wall finishes, etc.), no significant noise impacts will occur and the interior noise levels would comply with the City and State interior noise standard of 45 dB CNEL for residential units. With regard to noise impacts to surrounding uses, the proposed project will comply with all applicable provisions of the City's Noise Ordinance, which allows for construction between specific hours as set forth in Chapter 10.28 of the NBMC.

Neither short-term nor long-term air pollutant emissions will exceed significance thresholds established by the SCAQMD. Nonetheless, the proposed project is required to comply with applicable SCAQMD regulations. Therefore, approval of the project would not result in any significant effects relating to air quality.

Water quality will also be required to comply with all applicable Municipal Separate Storm Systems (MS4) requirements to ensure that impacts to surface and ground water quality do not occur. Water quality objectives will be achieved through the incorporation of best management practices (BMPs) identified in the Water Quality Management Plan (WQMP) during construction and post-project implementation. Project implementation will not change the general drainage pattern of the project site. Site drainage will be collected in a series of filtered area drains and filtered at collector catch basin before being conveyed to the on-site storm drain system. Approval of the project would not result in any significant effect related to water quality. Furthermore, the existing drainage facilities have adequate capacity to accommodate the increase in surface runoff generated by the proposed project

(e) The site can be adequately served by all required utilities and public services.

All required utilities, including sewer, water, energy, telephone, etc., exist within the project site. Although project implementation would require the extension of existing facilities to the subject property to accommodate the small, incremental increase in raw sewage and the additional demand for domestic water, no backbone facilities (i.e., master-planned roads and/or utilities) will be required to accommodate the proposed project. Furthermore, all of the public services, including police and fire protection, schools and parks and recreation, etc., are adequate to accommodate the proposed project. Thus, the site can be adequately served by all required utilities and public services.

Determination

CEQA Class 32 consists of projects characterized as in-fill development meeting the conditions described above. The proposed project consists of the development of new commercial office space with required off-street parking and six detached dwelling units and is consistent with the City's General Plan land use designations (Corridor Commercial and Multiple Residential) and zoning designations. Potential development of the project site was considered and analyzed in the City's 2006 General Plan EIR for potential environmental impacts. Based on that analysis, there is no reasonable probability that the proposed project will have a significant effect on the environment due to unusual circumstances, nor will the project result in any short-term or long-term impacts that were not previously considered in the Newport Beach General Plan and General Plan EIR. As described above, implementation of the proposed project will not result in any adverse effects on sensitive biological resources, traffic, air quality, noise or water quality. Therefore, the proposed project meets all of the conditions described above for in-fill development and qualifies for a Class 32 exemption.

Exhibit A

Biological Assessment and Jurisdictional Delineation



February 24, 2011 [Revised September 13, 2012]

Keeton K. Kreitzer Keeton Kreitzer Consulting 180 South Prospect Avenue Suite 140A Tustin, California 92780

SUBJECT: Jurisdictional Delineation for Buck Gully, a Creek Associated with the Plaza

Corona Del Mar Project, a 0.25-Acre Property Located in Newport Beach, Orange

County, California.

Dear Mr. Kreitzer:

This letter report summarizes our preliminary findings of U.S. Army Corps of Engineers (Corps), California Department of Fish and Game (CDFG), and California Coastal Commission jurisdiction for the above-referenced property. The Plaza Corona Del Mar Project site in Orange County [Exhibit 1], comprises approximately 0.25 acre and contains one blue-line drainage (as depicted on the U.S. Geological Survey (USGS) topographic map Laguna Beach, California [dated 1965 and photorevised in 1981]) [Exhibit 2]. The site is bounded by Pacific Coast Highway on the south, existing residential and commercial development on the east and west, and open space and adjacent residential development on the north. On February 24, 2011 and August 13, 2012, regulatory specialists of Glenn Lukos Associates, Inc. (GLA) examined the project site to determine the limits of (1) Corps jurisdiction pursuant to Section 404 of the Clean Water Act, (2) CDFG jurisdiction pursuant to Division 2, Chapter 6, Section 1600 of the Fish and Game Code, and (3) Wetlands as defined by the California Coastal Act. Enclosed is a 60-scale map [Exhibit 3] that depicts the areas of Corps, CDFG and CCC jurisdiction. Photographs to document the topography, vegetative communities, and general widths of each of the waters are provided as Exhibit 4. A map depicting soils is provided as Exhibit 5.

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29 Orchard Telephone: (949) 837-0404

Lake Forest

California 92630-8300
 Facsimile: (949) 837-5834

¹ This report presents our best effort at estimating the subject jurisdictional boundaries using the most up-to-date regulations and written policy and guidance from the regulatory agencies. Only the regulatory agencies can make a final determination of jurisdictional boundaries. If a final jurisdictional determination is required, GLA can assist in getting written confirmation of jurisdictional boundaries from the agencies.

Keeton Kreitzer Keeton Kreitzer Consulting February 24, 2011 [Revised September 13, 2012] Page 2

Corps jurisdiction associated with Buck Gully, within 200 feet of the subject property totals approximately 0.026 acre of Waters of the U.S, of which, 0.005 acre consist of vegetated waters.

CDFG jurisdiction associated with Buck Gully, within 200 feet of the subject property totals approximately 0.026 acre of Waters of the State, of which, 0.005 acre consist of emergent marsh habitat.

CCC jurisdiction associated with Buck Gully, within 200 feet of the subject property totals approximately 0.026 acre of Stream Channel, of which, 0.005 acre supports emergent marsh habitat.

I. METHODOLOGY

Prior to beginning the field delineation a 200-scale color aerial photograph, a 200-scale topographic base map of the property, and the previously cited USGS topographic map were examined to determine the locations of potential areas of Corps/CDFG/CCC jurisdiction. Suspected jurisdictional areas were field checked for the presence of definable channels² and/or wetland vegetation, soils and hydrology. Suspected wetland habitats on the site were evaluated using the methodology set forth in the U.S. Army Corps of Engineers 1987 Wetland Delineation Manual³ (Wetland Manual) and the 2008 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0).⁴. While in the field the limits of Corps/CDFG/ jurisdiction were recorded using sub-meter GPS technology. Other data were recorded onto wetland data sheets.

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² U.S. Army Corps of Engineers. 2008. *A Field Guide to the Identification of the Ordinary High Water Mark (OHWM) ion the Arid West Region of the United States: A Delineation Manual.* ERDC/CRREL TR-08-12: Cold Regions Research and Engineering Laboratory, U.S. Army Engineer Research and Development Center, Hanover NH.

³ Environmental Laboratory. 1987. <u>Corps of Engineers Wetlands Delineation Manual</u>, Technical Report Y-87-1, U.S. Army Engineer Waterways Experimental Station, Vicksburg, Mississippi.

⁴ U.S. Army Corps of Engineers. 2008. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region. Ed. J.S. Wakeley, R.W. Lichevar, and C.V. Noble. ERDC/EL TR-08-28. Vicksburg, MS: U.S. Army Engineer Research and Development Center.

The Soil Conservation Service (SCS)⁵ has mapped the following soil types as occurring in the general vicinity of the project site:

Calleguas Clay Loam, 50 to 75 percent slopes, eroded

The Calleguas Clay Loam series consists of very shallow and shallow, well drained soils formed on uplands, hills and mountains in material weathered from sedimentary rocks. Calleguas soils have slopes of 9 to 75 percent. The Calleguas soils are mapped as occurring within the portion of Buck Gully that traverses the northeast extent of the property.

Myford Sandy Loam, 2 to 30 Percent Slopes

The Myford Sandy Loam series consist of deep, moderately well drained soils up to 11 inches deep. Myford soils have slopes of 2 to 30 percent and were formed on terraces. The Myford Sandy Loam series are mapped as occurring within areas that are located adjacent to the project site.

Neither of these soil units are identified as hydric in the SCS's publication, <u>Hydric Soils of the</u> United States⁶.

II. JURISDICTION

A. Army Corps of Engineers

Pursuant to Section 404 of the Clean Water Act, the Corps regulates the discharge of dredged and/or fill material into waters of the United States. The term "waters of the United States" is defined in Corps regulations at 33 CFR Part 328.3(a) as:

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⁵ SCS is now known as the National Resource Conservation Service or NRCS.

⁶ United States Department of Agriculture, Soil Conservation Service. 1991. <u>Hydric Soils of the United States</u>, 3rd Edition, Miscellaneous Publication Number 1491. (In cooperation with the National Technical Committee for Hydric Soils.)

- (1) All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- (2) All interstate waters including interstate wetlands;
- (3) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect foreign commerce including any such waters:
 - (i) Which are or could be used by interstate or foreign travelers for recreational or other purposes; or
 - (ii) From which fish or shell fish are or could be taken and sold in interstate or foreign commerce; or
 - (iii) Which are used or could be used for industrial purpose by industries in interstate commerce...
- (4) All impoundments of waters otherwise defined as waters of the United States under the definition;
- (5) Tributaries of waters identified in paragraphs (a) (1)-(4) of this section;
- (6) The territorial seas;
- (7) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) (1)-(6) of this section.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR 123.11(m) which also meet the criteria of this definition) are not waters of the United States.

(8) Waters of the United States do not include prior converted cropland.⁷ Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with the EPA.

⁷ The term "prior converted cropland" is defined in the Corps' Regulatory Guidance Letter 90-7 (dated September 26, 1990) as "wetlands which were both manipulated (drained or otherwise physically altered to remove excess water from the land) and cropped before 23 December 1985, to the extent that they no longer exhibit important wetland values. Specifically, prior converted cropland is <u>inundated for no more than 14 consecutive days</u> during the growing season...." [Emphasis added.]

In the absence of wetlands, the limits of Corps jurisdiction in non-tidal waters, such as intermittent streams, extend to the OHWM which is defined at 33 CFR 328.3(e) as:

...that line on the shore established by the fluctuation of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

B. California Department of Fish and Game

Pursuant to Division 2, Chapter 6, Sections 1600-1603 of the California Fish and Game Code, the CDFG regulates all diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake, which supports fish or wildlife.

CDFG defines a "stream" (including creeks and rivers) as "a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life. This includes watercourses having surface or subsurface flow that supports or has supported riparian vegetation." CDFG's definition of "lake" includes "natural lakes or man-made reservoirs."

CDFG jurisdiction within altered or artificial waterways is based upon the value of those waterways to fish and wildlife. CDFG Legal Advisor has prepared the following opinion:

- Natural waterways that have been subsequently modified and which have the potential to contain fish, aquatic insects and riparian vegetation will be treated like natural waterways...
- Artificial waterways that have acquired the physical attributes of natural stream courses and which have been viewed by the community as natural stream courses, should be treated by [CDFG] as natural waterways...
- Artificial waterways without the attributes of natural waterways should generally not be subject to Fish and Game Code provisions...

Thus, CDFG jurisdictional limits closely mirror those of the Corps. Exceptions are CDFG's exclusion of isolated wetlands (those not associated with a river, stream, or lake), the addition of artificial stock ponds and irrigation ditches constructed on uplands, and the addition of riparian

habitat supported by a river, stream, or lake regardless of the riparian area's federal wetland status.

C. <u>CCC Jurisdiction</u>

Pursuant to the California Coastal Act (California Public Resources Code Section 30233), the CCC regulates the diking, filling, or dredging of wetlands within the coastal zone. The Coastal Act Section 30121 defines "wetlands" as land "which may be covered periodically or permanently with shallow water." The 1981 CCC Statewide Interpretive Guidelines state that hydric soils and hydrophytic vegetation, "are useful indicators of wetland conditions, but the presence or absence of hydric soils and/or hydrophytes alone are not necessarily determinative when the Commission identifies wetlands under the Coastal Act. In the past, the Commission has considered all relevant information in making such determinations and relied upon the advice and judgment of experts before reaching its own independent conclusion as to whether a particular area will be considered wetland under the Coastal Act."

III. RESULTS

A. Corps Jurisdiction

Corps jurisdiction associated with the portion of Buck Gully within 200 feet of the property boundary totals approximately 0.026 acre of Waters of the United States, which consist of an intermittent or perennial stream, that exhibits areas of sparse emergent vegetation. Buck Gully is an intrastate waterway, tributary to the Pacific Ocean. The Corps retains jurisdiction of this drainage course because its final destination (i.e. the Pacific Ocean) is a navigable water. The boundaries of Corps jurisdictional waters are depicted on Exhibit 3a.

1. Description of Waters of the United States

Discharge observed within the Buck Gully drainage originates as dry weather flow from adjacent housing development and storm water runoff. The drainage is located to the north of the project site and extends from the northeast to the southwest to where it enters a concrete box culvert that carries flows beneath Pacific Coast Highway. The channel contains a soft bottom consisting of sand, gravel, and limited cobble and supports limited amounts of vegetation including alkali bulrush (*Scirpus maritimus*, OBL) and southern cattail (*Typha domingensis*, OBL). The OHWM varies from 10 to 13 feet in width within the reach that is within 200 feet of the property boundary.

The east bank of the drainage within the 200-foot reach supports areas of upland vegetation including Bermuda buttercup (*Oxalis pes-caprae*, UPL), cheeseweed (*Malva parviflora*, UPL), artichoke thistle (*Cynara cardunculus*, UPL), black mustard (*Brassica nigra*, UPL), lemonade berry (*Rhus integrifolia*, UPL), and unidentified ornamental groundcover. No wetlands occur on the eastern bank of the drainage within the 200-foot reach.

The west bank supports areas of upland vegetation including Bermuda buttercup (*Oxalis pescaprae*, UPL), artichoke thistle (*Cynara cardunculus*, UPL), cheeseweed (*Malva parviflora*, UPL), Hottentot fig (*Carpobrotus edulis*, UPL), and fennel (*Foeniculum vulgare*, FACU). No wetlands occur on the western bank of the drainage within the 200-foot reach.

B. <u>CDFG Jurisdiction</u>

CDFG jurisdiction associated with the portion of Buck Gully within 200 feet of the property boundary totals approximately 0.026 acre of Waters of the State, which consist of an intermittent or perennial stream, that exhibits areas of sparse emergent vegetation. The boundaries of CDFG jurisdiction are depicted on Exhibit 3b.

1. Description of Waters of the State

Discharge observed within the Buck Gully drainage originates as dry weather flow from adjacent housing development and storm water runoff. The drainage is located to the north of the project site and extends from the northeast to the southwest to where it enters a concrete box culvert that carries flows beneath Pacific Coast Highway. The channel contains a soft bottom consisting of sand, gravel, and limited cobble and supports limited amounts of vegetation including alkali bulrush (*Scirpus maritimus*, OBL) and southern cattail (*Typha domingensis*, OBL). The channel varies from 10 to 13 feet in width (bank to bank) within the reach that is within 200 feet of the property boundary.

The east bank of the drainage within the 200-foot reach supports areas of upland vegetation including Bermuda buttercup (*Oxalis pes-caprae*, UPL), cheeseweed (*Malva parviflora*, UPL), artichoke thistle (*Cynara cardunculus*, UPL), black mustard (*Brassica nigra*, UPL), lemonade berry (*Rhus integrifolia*, UPL), and unidentified ornamental groundcover. No riparian habitat occurs on the eastern bank of the drainage within the 200-foot reach.

The west bank within the 200-foot reach supports areas of upland vegetation including Bermuda buttercup (*Oxalis pes-caprae*, UPL), artichoke thistle (*Cynara cardunculus*, UPL), cheeseweed

(*Malva parviflora*, UPL), Hottentot fig (*Carpobrotus edulis*, UPL), and fennel (*Foeniculum vulgare*, FACU). No riparian habitat occurs on the western bank of the drainage within the 200-foot reach.

C. <u>CCC Jurisdiction</u>

CCC jurisdiction associated with the portion of Buck Gully within 200 feet of the property boundary totals approximately 0.026 acre of intermittent or perennial stream, that exhibits areas of sparse emergent vegetation. The boundaries of CCC jurisdiction are depicted on Exhibit 3c.

1. Description of CCC Jurisdiction

Discharge observed within the Buck Gully drainage originates as dry weather flow from adjacent housing development and storm water runoff. The drainage is located to the north of the project site and extends from the northeast to the southwest to where it enters a concrete box culvert that carries flows beneath Pacific Coast Highway. The channel contains a soft bottom consisting of sand, gravel, and limited cobble and supports limited amounts of vegetation including alkali bulrush (*Scirpus maritimus*, OBL) and southern cattail (*Typha domingensis*, OBL). The channel varies from 10 to 13 feet in width (bank to bank) within the reach that is within 200 feet of the property boundary.

The east bank of the drainage within the 200-foot reach supports areas of upland vegetation including Bermuda buttercup (*Oxalis pes-caprae*, UPL), cheeseweed (*Malva parviflora*, UPL), artichoke thistle (*Cynara cardunculus*, UPL), black mustard (*Brassica nigra*, UPL), lemonade berry (*Rhus integrifolia*, UPL), and unidentified ornamental groundcover. No riparian habitat occurs on the eastern bank of the drainage within the 200-foot reach.

The west bank within the 200-foot reach supports areas of upland vegetation including Bermuda buttercup (*Oxalis pes-caprae*, UPL), artichoke thistle (*Cynara cardunculus*, UPL), cheeseweed (*Malva parviflora*, UPL), Hottentot fig (*Carpobrotus edulis*, UPL), and fennel (*Foeniculum vulgare*, FACU). No riparian habitat occurs on the western bank of the drainage within the 200-foot reach.

2. Wetlands Under the Coastal Act

The areas within the channel that support emergent vegetation consisting of alkali bulrush (*Scirpus maritimus*, OBL) and southern cattail (*Typha domengensis*, OBL) meet the Coastal definition of wetlands due to the presence of wetland hydrology and a predominance of wetland

indicator plants with an indicator status of FAC or wetter. The area of wetland within the 200-foot reach totals 0.005 acre.

IV. DISCUSSION

A. Impact Analysis

The project would not require discharge of fill into areas subject to Corps, CDFG or CCC jurisdiction within the Buck Gully drainage. As such, there would be no significant impacts to the Buck gully drainage associated with the project.

Portions of the Buck Gully drainage are within areas that could be potentially affected by fuel modification activities, including cutting of vegetation. The alkali bulrush and southern cattail are growing in the stream channel and account for minimal biomass and would not likely require removal or thinning, as they pose no fire risk or threat. As such, there would be no impacts to wetland vegetation associated with the project.

B. Buffers

Policy 4.2.2-3 of the City's Coastal Land Use Plan (CLUP) specifies that all wetland environmentally sensitive habitat areas (ESHA) shall have "a minimum buffer width of 100 feet wherever possible"; however, it is important to consider the entire policy set forth in 4.2.2-3:

Require buffer areas around wetlands of a sufficient size to ensure the biological integrity and preservation of the wetland that they are designed to protect. Wetlands shall have a minimum buffer width of 100 feet wherever possible. Smaller buffer widths may be allowed only where it can be demonstrated that 1) a 100 foot buffer is not possible due to site constraints, and 2) the proposed narrower buffer would be amply protective of the biological integrity of the wetland given the site-specific characteristics of the resource, and of the type and intensity of disturbance. [Emphasis not in Original]

The project as proposed provides a setback of 72.3 feet from the 0.005-acre wetland area. Given the urban character of the area, including the predominance of non-native species that already dominate the banks of the stream and the adjacent slopes, as well as the setback from existing residential structures, which is as little as 70 feet in some areas, the proposed setback is sufficient to maintain the conditions as they currently exist. As a result, with provision of a 72.3-foot

buffer, there would be no significant indirect impacts to wetland ESHA associated with the project.

If you have any questions about this letter report, please contact either Glenn Lukos or Tony Bomkamp at (949) 837-0404.

Sincerely,

GLENN LUKOS ASSOCIATES, INC.

Tony Bomkamp

Senior Regulatory Specialist

Tony Bondand

Exhibit 1: Regional Map

Exhibit 1

118

Miles

Exhibit 2: Vicinity Map

120

Exhibit 3: Jurisdictional Delineation Map





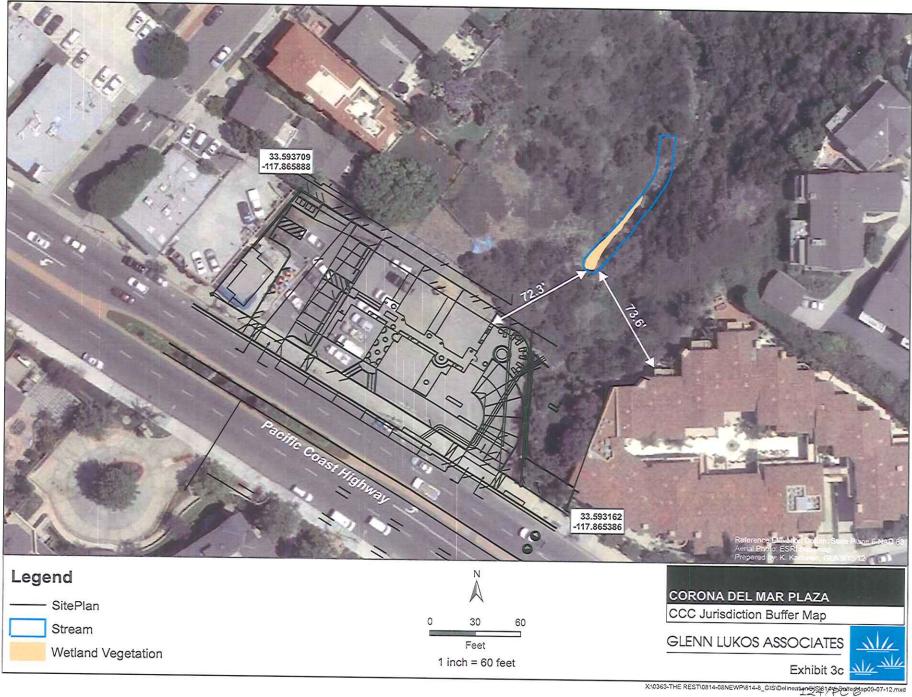


Exhibit 4: Site Photographs



Photo 1: View of stream with emergent vegetation.

CORONA DEL MAR PLAZA

Site Photograph





Exhibit 5: Soils map

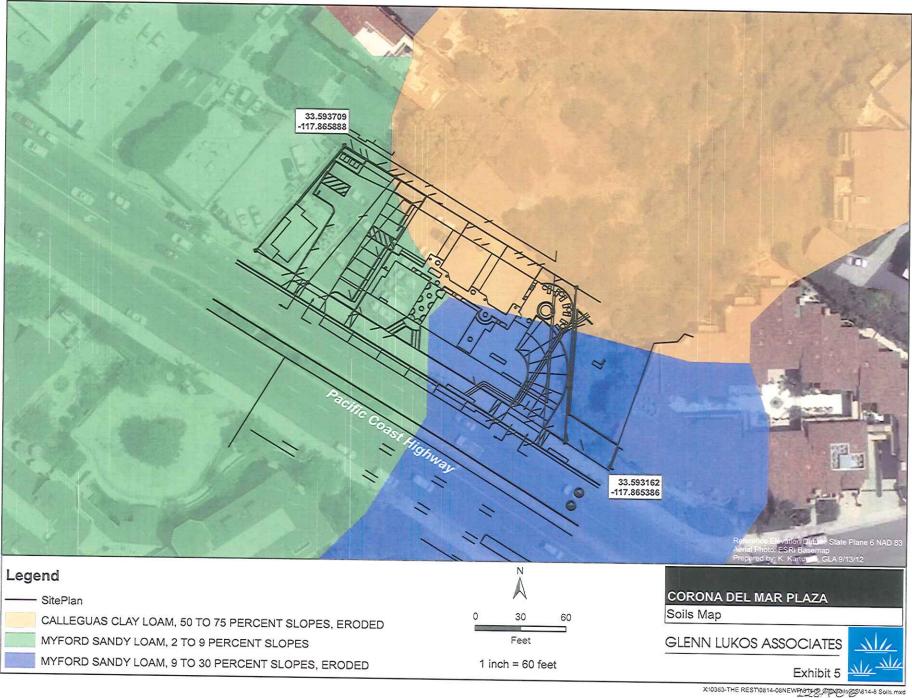


Exhibit B

Acoustical Study



WIELAND ACOUSTICS, INC.

2691 Richter Avenue, Suite 114 Irvine, CA 92606 Tel: 949.474.1222 Fax: 949.474.9122 www.wielandacoustics.com

Preliminary Acoustical Study for the Proposed Plaza Corona del Mar Townhomes, Corona del Mar, CA

Project File 09.041.00 November 5, 2009

Prepared for:

Mr. Magdi Hanna 3345 Newport Boulevard Newport Beach, CA 92663

Prepared by:

David L. Wieland, Principal Consultant



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1 Introduction

The proposed project involves the construction of seven townhouses over a common parking garage at 3918 E. Coast Highway in Corona del Mar. The project site is bounded on the northwest by a commercial parking lot for Gallo's Deli and some residential properties; on the northeast by an undeveloped canyon; on the southeast by single- and multi-family residential properties; and on the southwest by E. Coast Highway. Figure 1-1 identifies the location of the project site.

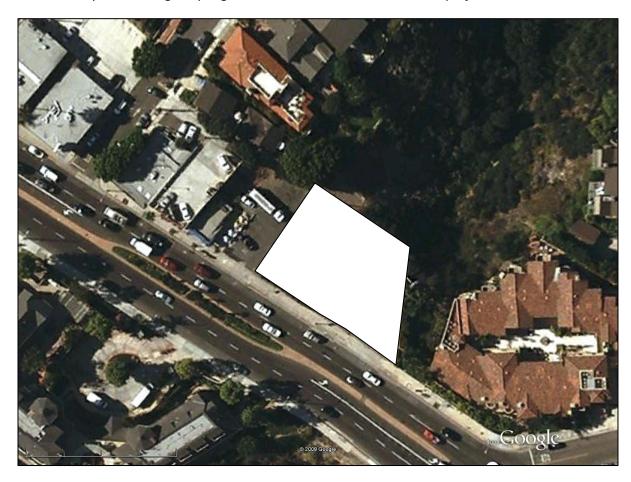


Figure 1-1. Project Site Location

Figure 1-2 provides the site plan for the project. The following report identifies the noise standards applied to the project, an analysis of future noise levels, an assessment of impact, and recommended mitigation measures.



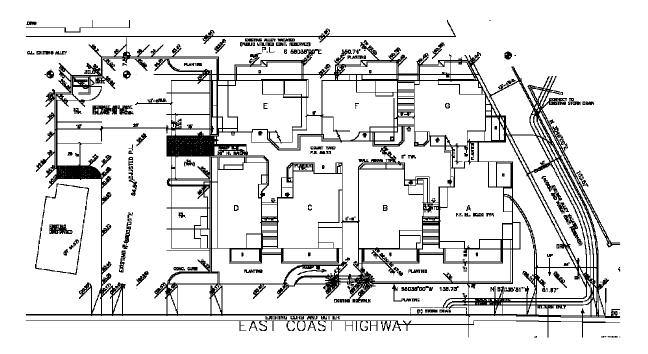


Figure 1-2. Project Site Plan

2 Noise Standards

2.1 City of Newport Beach General Plan Standards

The Noise Element of the City of Newport Beach General Plan specifies that, for residential developments, the interior CNEL (community noise equivalent level) shall not exceed 45 dB. (Refer to Appendix I for a glossary of acoustical terms used throughout this report.)

2.2 State of California Noise Insulation Standards

All multifamily projects must comply with the State of California's noise insulation standards (CAC Title 24). The State's Title 24 standards specify that the intrusion of noise from exterior sources (such as traffic) shall not exceed a CNEL of 45 dB within the interior of any habitable space. In addition to the exterior-to-interior noise requirements, the State standards set minimum ratings for the sound transmission of party wall and floor/ceiling separation assemblies. This report only provides an evaluation of, and recommendations for, the exterior-to-interior requirements of the State standards. It is the project architect's responsibility to ensure compliance with the separation assembly requirements of the State standards.



3 Exterior Noise Environment

3.1 Transportation Noise

The primary source of noise affecting the project site is traffic on E. Coast Highway. Table 3-1 provides the data used to estimate the future traffic noise exposure at the project site.

Table 3-1. Data Used in Future Traffic Noise Analysis

Traffic Parameter	E. Coast Hwy.
Roadway Configuration	4 lanes, divided
Average Daily Traffic Volume (ADT)	35,000 ^a
Speed Limit	45 mph
% Medium Trucks	1.38% ^b
% Heavy Trucks	0.53% ^b
Notes: a. See Reference 1.	

b. Caltrans.

Based on the above traffic data, it is estimated that the future traffic noise exposure will be 72.5 dB CNEL at the nearest facades to E. Coast Highway. The traffic noise analysis was conducted using the FHWA RD 77-108 Highway Traffic Noise Prediction Model. (Refer to Appendix II.)

3.2 Stationary Noise Sources

Adjacent to the northwest side of the project site is a deli with such noise sources as outdoor dining, ventilation fans, air conditioners, and a parking lot. In addition, there are occasional truck deliveries to the deli. Further to the northwest, and adjacent to the deli, is a commercial building with a parking lot, ventilation fans, and air conditioning compressors on the rooftop. During our site review no significant noise could be heard from any of these sources due to the high ambient traffic noise level at the project site. However, it is possible that noise from these sources may be audible at times, particularly during late evening and early morning hours or during lulls in traffic. It has been assumed in this study that the owners of the deli and the commercial building regulate their activities in order to conform to the City of Newport Beach's noise ordinance standards.

4 Assessment of Impact

As indicated in the Section 3.1, the future traffic noise exposure is estimated to be as high as 72.5 dB CNEL at the facades of the nearest proposed residential units to E. Coast Highway. Therefore the units will have to provide an exterior-to-interior noise reduction of up to 27.5 dB in order to comply with the City's General Plan interior noise standard of 45 dB CNEL.



5 Preliminary Noise Control Recommendations

- 1. All window and door assemblies used throughout the project shall be well fitted and well weather-stripped. The perimeters of all window and door frames shall be sealed to the exterior wall construction with a weather-resistant sealant. For residential units A through D, the window and door assemblies shall also be sound rated. Sound-rated assemblies with outdoor-indoor transmission class (OITC) ratings of up to approximately 34 may be required at the south, east and west elevations. The actual OITC ratings needed shall be determined as part of the final engineering design of the project. (Note: OITC ratings are not the same as the more typical STC ratings; care must be taken to avoid confusion between the two.)
- 2. All front entry doors throughout the project, other than the sound-rated assemblies discussed in Item 1, above, shall be well weather-stripped solid core wood or insulated hollow metal assemblies at least 1-3/4" thick.
- 3. For all residential units, the exterior walls shall be sound rated assemblies with OITC ratings of up to approximately 37. The actual OITC ratings needed shall be determined as part of the final engineering design of the project. An OITC rating of 37 may be achieved in many ways, including the following:
 - a. Minimum 7/8" stucco exterior (where wood or stone veneer siding occurs, it shall be placed over the stucco).
 - b. Stud space filled with minimum R-11 insulation batts.
 - c. Minimum 5/8" gypsum wallboard interior.
 - d. All joints well fitted and/or caulked to form an airtight seal.
- 4. The interior noise standard is to be met in all residential units with windows, doors and skylights closed. Therefore, ventilation is required in all residential units per the Uniform Building Code and Uniform Mechanical Code standards in order to provide a habitable environment. Wall-mounted air conditioners shall not be used.
- 5. For residential units A through D, all supply and return ducts to the exterior (including, but not limited to ducts serving HVAC equipment, attic-mounted equipment, bathroom fans, and dryer exhausts) shall have the first five feet from the exterior of 20-gauge steel duct that is internally lined with one-inch-thick coated glass fiber insulation. For compliance with health and safety requirements, kitchen exhaust ducts should not be lined. Each duct shall include a 90° bend within the first five feet from the exterior such that there is no direct line of sight through the duct. Where a full 90° bend cannot be achieved, two 45° bends in succession (to form a zigzag) may be used such that there is no direct line of sight through the duct. All duct openings shall be oriented away from E. Coast Highway.
- 6. For residential units E through G, all supply and return ducts to the exterior (including, but not limited to ducts serving HVAC equipment, attic-mounted equipment, bathroom fans, and dryer exhausts), shall be oriented away from E. Coast Highway, and shall incorporate at least 6' of flexible air duct with internal fiberglass lining and at least one 90° bend. For compliance with health and safety requirements, kitchen exhaust ducts should not be internally lined.

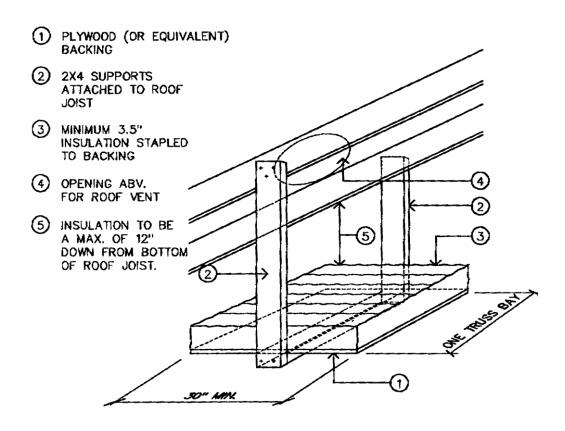


- 7. At residential units A through D, if building heating units with flues or combustion air vents are located within or adjacent to any occupied space, they shall be contained in a separate closet or room that is closed off from the occupied space by doors. The doors shall be weather-stripped solid core wood or minimum 20-gauge hollow steel assemblies at least 1 ¾"-thick.
- 8. Attic vents in all residential units shall be oriented away from E. Coast Highway. If such an orientation cannot be avoided, then an acoustic baffle shall be placed in the attic space behind the vent as shown in Figure 5-1.
- 9. At residential units A through D the roof system shall have minimum ¾" plywood sheathing that is well sealed to form a continuous barrier to noise. At residential units E through G the roof system shall have minimum ½" plywood sheathing. Minimum R-19 unfaced fiberglass insulation batts shall be placed on the underside of the roof sheathing or in the attic space.
- 10. At residential units A through D minimum 5/8" thick gypsum board or plaster ceilings shall be provided. At residential units E through G minimum ½"-thick gypsum board or plaster ceilings shall be provided. All joints in the ceiling shall be well fitted and/or caulked to form an airtight seal. Open-beam construction shall not be used.
- 11. At any penetrations of exterior walls by pipes, ducts or conduits, the space between the wall and pipes, ducts or conduits shall be caulked or filled with mortar to form an airtight seal.
- 12. Except as identified in Items 1 through 11 above, there shall be no other openings (through the-wall or -door mailboxes, vents, etc.) in the exterior facades facing E. Coast Highway.
- 13. In order to minimize the buildup of intrusive traffic noise due to reverberation, the floors of all rooms within residential units A through D, except bathrooms and kitchens, shall be carpeted with minimum 5/16" pile height carpeting over a resilient pad.

Final noise control recommendations should be prepared during the final engineering stage of the design, and should be based on final site and architectural plans.



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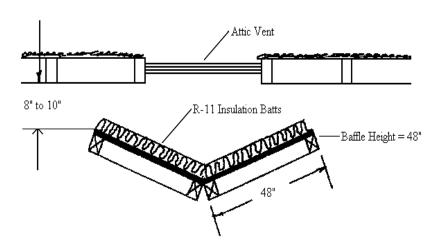


Figure 5-1. Acoustical Baffle Details for Attic Vents

6



6 Party Wall and Floor/Ceiling Separation Assemblies

The State noise insulation standards (Title 24) specify minimum sound ratings for party wall and floor/ceiling separation assemblies. The design of these assemblies is beyond the scope of this report. It is the project architect's responsibility to verify compliance with the separation assembly requirements of the State standards.

7 Conclusion

Analysis indicates that the project site is exposed to significant levels of noise as a result of traffic on E. Coast Highway. However, it is concluded that, with the preliminary recommendations provided herein, the project will comply with the City's interior noise standards for residential properties.

The analysis and recommendations provided in this report are based on preliminary project design drawings. Therefore, it is further recommended that the final design of the project be reviewed by a qualified acoustical consultant to verify compliance with the City and State interior noise standards.

8 Implementation Disclaimer

Wieland Acoustics assumes no responsibility whatsoever for the implementation of the recommendations provided in this report, or for the details of construction or the final noise levels following completion of the project. We are responsible only for the accuracy of our calculations, which are based on the construction elements detailed in this report. No guarantees or assurances are given or implied.

9 References

- City of Newport Beach General Plan Transportation Study, Newport Beach, California. Urban Crossroads. March 22, 2006. (Provided as Appendix D, Traffic Study, of City of Newport Beach Draft Environmental Impact Report Appendices, General Plan 2006 Update, Volume II, April 2006.
- 2. Architectural Drawings, Sheets A-1, A-2, A-2.1, A-2.2, A-3, and A-3.1. Marcelo E. Lische Architect AIA. August 25, 2009.

APPENDIX I

Glossary of Acoustical Terms

Glossary of Terms

The following is a list of definitions of terms commonly used in the field of acoustics. Some, or all, of these terms may have been used in the preceding report:

Ambient Noise: The all-encompassing noise associated with a given environment at a specified time, usually a composite of sound from many sources both near and far.

Average Sound Level: See Equivalent-Continuous Sound Level.

A-Weighted Sound Level, dB(A): The sound level obtained by use of A-weighting. Weighting systems were developed to measure sound in a way that more closely mimics the ear's natural sensitivity. The A-weighting system is incorporated into the sound level meter to alter its sensitivity relative to frequency so that the instrument is less sensitive to noise at frequencies where the human ear is less sensitive and more sensitive at frequencies where the human ear is more sensitive. (Refer to Figure I-1 for typical noise source levels.)

Community Noise Equivalent Level (CNEL): A 24-hour A-weighted average sound level which takes into account the fact that a given level of noise may be more or less tolerable depending on when it occurs. The CNEL measure of noise exposure weights average hourly noise levels by 5 dB for the evening hours (between 7:00 p.m. and 10:00 p.m.), and 10 dB between 10:00 p.m. and 7:00 a.m., then combines the results with the daytime levels to produce the final CNEL value. It is measured in decibels, dB. (Refer to Figure I-2 for typical noise exposure levels.)

CNEL: See Community Noise Equivalent Level.

Day-Night Average Sound Level (Ldn): A measure of noise exposure level that is similar to *CNEL* except that there is no weighting applied to the evening hours of 7:00 p.m. to 10:00 p.m. It is measured in *decibels*, dB. (Refer to Figure I-2 for typical noise exposure levels.)

Daytime Average Sound Level (Leq12): The time-averaged A-weighted sound level measured between the hours of 7:00 am to 7:00 pm. It is measured in decibels, dB.

Decay Rate: The time taken for the *sound pressure level* at a given *frequency* to decrease in a room. It is measured in *decibels* per second, dB/s.

Decibel (dB): The basic unit of measure for sound level.

Direct Sound: Sound that reaches a given location in a direct line from the source without any reflections.

Divergence: The spreading of sound waves from a source in a free field, resulting in a reduction in *sound pressure level* with increasing distance from the source.

Energy Basis: This refers to the procedure of summing or averaging sound pressure levels on the basis of their squared pressures. This method involves the conversion of *decibels* to pressures, then performing the necessary arithmetic calculations, and finally changing the pressures back to *decibels*.

Equivalent-Continuous Sound Level (Leq): The average *sound level* measured over a specified time period. It is a single-number measure of time-varying *noise* over a specified time period. It is the level of a steady sound that, in a stated time period and at a stated location, has the same A-weighted sound energy as the time-varying sound. For example, a person who experiences an

Leq of 60 dB(A) for a period of 10 minutes standing next to a busy street is exposed to the same amount of sound energy as if he had experienced a constant noise level of 60 dB(A) for 10 minutes rather than the time-varying traffic noise level. It is measured in *decibels*, dB.

Fast Response: A setting on the *sound level meter* that determines how *sound levels* are averaged over time. A *fast* sound level is always more strongly influenced by recent sounds, and less influenced by sounds occurring in the distant past, than the corresponding *slow* sound level. For the same non-steady sound, the maximum *fast* sound level is generally greater than the corresponding maximum *slow* sound level. *Fast* response is typically used to measure *impact* sound levels.

Field Impact Insulation Class (FIIC): A single number rating similar to the *impact insulation class* except that the impact *sound pressure levels* are measured in the field.

Field Sound Transmission Class (FSTC): A single number rating similar to *sound transmission class* except that the *transmission loss* values used to derive this class are measured in the field.

FIIC: See Field Impact Insulation Class.

Flanking Sound Transmission: The transmission of sound from a room in which a source is located to an adjacent receiving room by paths other than through the common partition. Also, the diffraction of noise around the ends of a barrier.

Frequency: The number of oscillations per second of a sound wave (i.e., the number of cycles per second). It is measured in hertz, Hz.

FSTC: See Field Sound Transmission Class.

Hertz (Hz): See *Frequency*.

Hourly Average Sound Level (HNL): The equivalent-continuous sound level, Leq, over a 1-hour time period. It is measured in *decibels*.

Impact Insulation Class (IIC): A single number rating used to compare the effectiveness of floor/ceiling assemblies in providing reduction of impact-generated sounds such as the sound of a person walking across the upstairs floor.

Impact Noise: The noise that results when two objects collide.

Impulse Noise: Noise of a transient nature due to a sudden impulse of pressure like that created by a gunshot or a balloon bursting.

Insertion Loss: The decrease in *sound power level* measured at the location of the receiver when an element (e.g., a noise barrier) is inserted in the transmission path between the sound source and the receiver. It is measured in *decibels*.

Inverse Square Law: A rule by which the sound intensity varies inversely with the square of the distance from the source. This results in a 6 dB decrease in *sound pressure level* for each doubling of distance from the source.

L₂, L₈, L₂₅, L₅₀: See X-Percentile-Exceeded Sound Level.

Ldn: See Day-Night Average Sound Level.

Leg: See Equivalent-Continuous Sound Level.

Leq(12): See Daytime Average Sound Level.

Lmax: See Maximum Sound Level.

L_n: See X-Percentile-Exceeded Sound Level.

Lpk: See *Peak Sound Level*.

Masking: The process by which the threshold of hearing for one sound is raised by the presence of another sound.

Maximum Sound Level (Lmax): The greatest sound level measured on a sound level meter during a designated time interval or event. It is measured in decibels.

NC Curves (Noise Criterion Curves): A system for rating the noisiness of an occupied indoor space. An actual *octave-band spectrum* is compared with a set of standard NC curves to determine the NC level of the space.

NIC: See Noise Isolation Class.

NNIC: See Normalized Noise Isolation Class.

Noise: Any unwanted or disagreeable sound.

Noise Criterion Curves: See NC Curves.

Noise Isolation Class (NIC): A single number rating derived from measured values of *noise reduction* between two enclosed spaces that are connected by one or more partitions. Unlike *STC* or *NNIC*, this rating is not adjusted or normalized to a measured or standard *reverberation time*.

Noise Reduction: The difference in sound pressure level between any two points.

Noise Reduction Coefficient (NRC): A single number rating of the *sound absorption* properties of a material. It is the average of the *sound absorption coefficients* at 250, 500, 1000, and 2000 Hz, rounded to the nearest multiple of 0.05.

Normalized Noise Isolation Class (NNIC): A single number rating similar to the *noise isolation* class except that the measured *noise reduction* values are normalized to a *reverberation time* of 0.5 seconds.

NRC: See Noise Reduction Coefficient.

Octave: The *frequency* interval between two sounds whose frequency ratio is 2. For example, the frequency interval between 500 Hz and 1,000 Hz is one octave.

Octave-Band Sound Level (Octave-Band Level): For an octave frequency band, the sound pressure level of the sound contained within that band. It is measured in decibels.

One-Third Octave: The *frequency* interval between two sounds whose frequency ratio is $2^{1/3}$ (1.26). For example, the frequency interval between 200 Hz and 250 Hz is one-third octave.

One-Third-Octave-Band Sound Level (One-Third-Octave-Band Level): For a one-third-octave frequency band, the *sound pressure level* of the sound contained within that band. It is measured in *decibels*.

Outdoor-Indoor Transmission Class (OITC): A single number rating used to compare the *sound insulation* properties of building façade elements. This rating is designed to correlate with subjective impressions of the ability of facade elements to reduce the overall loudness of ground and air transportation noise.

Peak Sound Level (Lpk): The maximum instantaneous sound level during a stated time period or event. It is measured in decibels.

Pink Noise: Noise that has approximately equal intensities at each *octave* or *one-third-octave* band.

Point Source: A source that radiates sound as if from a single point.

RC Curves (Room Criterion Curves): A system for rating the noisiness of an occupied indoor space. An actual *octave-band spectrum* is compared with a set of standard RC curves to determine the RC level of the space.

Real-Time Analyzer (RTA): An instrument for the determination of a sound spectrum.

Receiver: A person (or persons) or equipment which is affected by *noise*.

Reflected Sound: Sound that persists in an enclosed space as a result of repeated reflections or scattering. It does not include sound that travels directly from the source without reflections.

Reverberation: The persistence of a sound in an enclosed or partially enclosed space after the source of the sound has stopped, due to the repeated reflection of the sound waves.

Reverberation Time (T_{60}): The time required for the sound pressure level of a given frequency in an enclosed or partially enclosed space to decrease by 60 dB after the source of the sound has stopped. It is measured in seconds.

Room Absorption: The total absorption within a room due to all objects, surfaces and air absorption within the room. It is measured in Sabins or metric Sabins.

Room Criterion Curves: See RC Curves.

RTA: See Real-Time Analyzer.

SLM: See Sound Level Meter.

Slow Response: A setting on the *sound level meter* that determines how measured *sound levels* are averaged over time. A *slow* sound level is more influenced by sounds occurring in the distant past that the corresponding *fast* sound level.

Sound: A physical disturbance in a medium (e.g., air) that is capable of being detected by the human ear.

Sound Absorption: The process of dissipation of sound energy, and the property of materials and structures to dissipate sound energy.

Sound Absorption Coefficient (α): A measure of the sound-absorptive property of a material.

Sound Insulation: The capacity of a structure or element to prevent sound from reaching a receiver room either by absorption or reflection.

Sound Level: See Sound Pressure Level.

Sound Level Meter (SLM): An instrument used for the measurement of *sound level*, with a standard frequency-weighting and standard exponentially weighted time averaging.

Sound Power Level: A physical measure of the amount of power a sound source radiates into the surrounding air. It is measured in *decibels*.

Sound Pressure Level: A physical measure of the magnitude of a sound. It is related to the sound's energy. The terms *sound pressure level* and *sound level* are often used interchangeably. It is measured in *decibels*.

Sound Transmission Class (STC): A single number rating used to compare the *sound insulation* properties of walls, floors, ceilings, windows, or doors. This rating is designed to correlate with subjective impressions of the ability of building elements to reduce the overall loudness of speech, radio, television, and similar noise sources in offices and buildings.

Source Room: A room that contains a noise source or sources.

Spectrum: The spectrum of a sound wave is a description of its resolution into components, each of different *frequency* and usually different amplitude (level).

STC: See Sound Transmission Class.

 T_{60} : See Reverberation Time.

Tapping Machine: A device used in rating different floor constructions against impacts. It produces a series of impacts on the floor under test, 10 times per second.

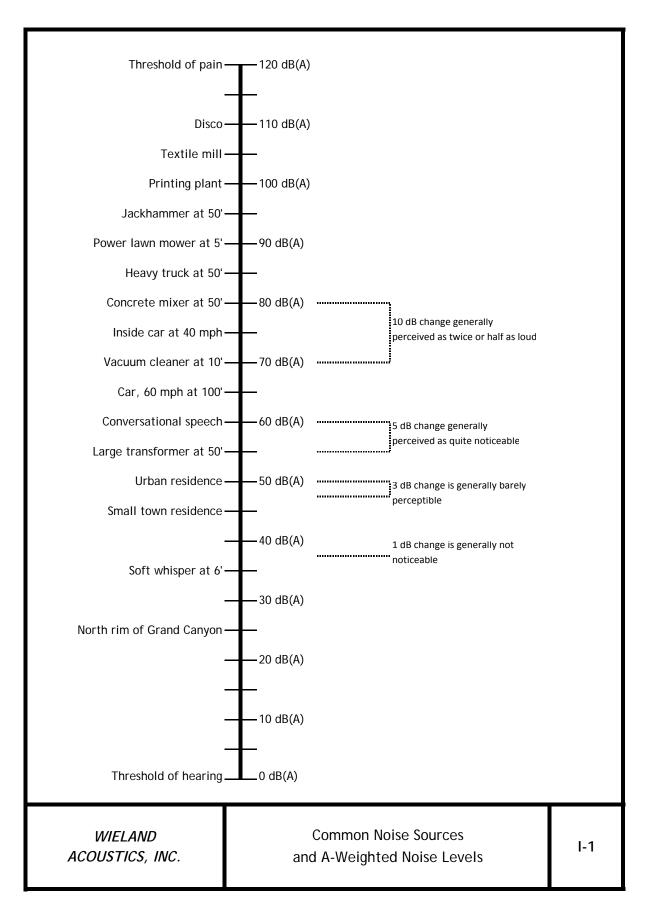
Tone: A sound with a distinct pitch (i.e., a dominant *frequency*).

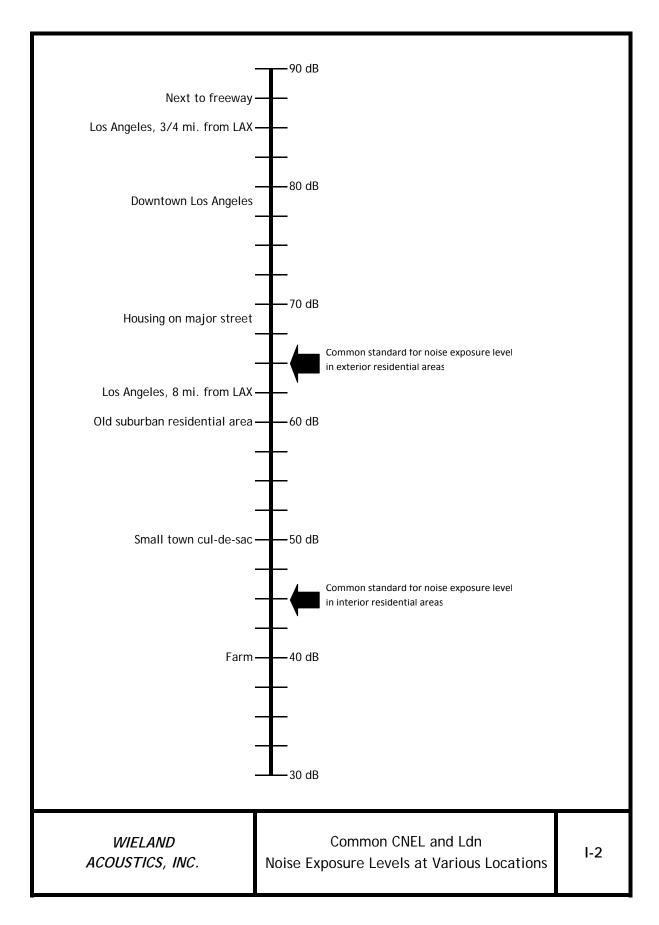
Transmission Loss (TL): A property of a material or structure describing its ability to reduce the transmission of sound at a particular *frequency* from one space to another. The higher the TL value the more effective the material or structure is in reducing sound between two spaces. It is measured in *decibels*.

White Noise: Noise that has approximately equal intensities at all *frequencies*. (White noise need not be random noise.)

Windscreen: A porous covering for a microphone, designed to reduce the noise generated by the passage of wind over the microphone.

X-Percentile-Exceeded Sound Level (L_n): The *A-weighted sound level* equaled or exceeded by a fluctuating *sound level x* percent of a stated time period. E.g., the letter symbol L_{10} represents the *sound level* which is exceeded 10 percent of the stated time period. For a 1-hour measurement, L_{50} is the *sound level* exceeded for more than 30 minutes in an hour, L_{25} is the *sound level* exceeded for more than 15 minutes in an hour, L_{8} is the *sound level* exceeded for more than 1 minute in an hour.





APPENDIX II

Traffic Noise Analysis

Table II-1. Analysis of Unmitigated Traffic Noise Levels at Nearest Bldg. Façade, from E. Coast Hwy.

ADT: 35,000 No. of Lanes: 4 Date: Oct. 30, 2009

Site Conditions: Hard

Noise Emission Curves: Calveno

Autos: Total %: 95.51% Daytime %: 74.03% Evening %: 12.32% Nighttime %: 9.16% Medium Trucks: Total %: 1.38% Daytime %: 1.17% Evening %: 0.07% Nighttime %: 0.14% Daytime %: Evening %: Nighttime %: Heavy Trucks: Total %: 0.53% 0.46% 0.01% 0.06%

Elevations:Source:0.0 ft.Barrier:0.0 ft.Receiver:0.0 ft.Heights:Source:variesBarrier:0.0 ft.Receiver:5.0 ft.

Gradient of Near Lane: 4.30 % Angle of View, Left: -90.0 deg.

Angle of View, Right: 90.0 deg.

Speed Limit: 45 mph

 Distance from Receiver to Lanes,
 #1:
 40.0 ft.
 Calibration Factor for Each Lane,
 #1:
 0.0 dB

 #2:
 52.0 ft.
 #2:
 0.0 dB

 #3:
 ft.
 #3:
 dB

#4: 79.0 ft. #4: 0.0 dB #5: 91.0 ft. #5: 0.0 dB #6: ft. #6: dB

Average Daytime Leq: 71.1 dB(A) Average Evening Leq: 68.6 dB(A) Average Nighttime Leq: 63.3 dB(A)

CNEL: 72.4 dB **Ldn**: 71.9 dB

APPENDIX III

Interior Noise Analysis

Table III-1. Calculation of Interior Noise Levels *

Client:Mr. Magdi HannaProject No.09.041.00Case:Unit D, 1st Floor BedroomDate:Nov. 4, 2009

NOISE SOURCE:

Source #	Source Name
2	Traffic

SOUND ABSORPTION:

Туре	Area	Material	Туре	Area	Material
6	161	Carpet, 5/16" Pile and Foam			
17	543	1/2" Gypsum Board, Painted			
35	64	Padded Furniture			
16	82	24 oz. Glass Operable Windows (C			

PARTITION ELEMENTS:

	So	uth	W	est		
Element	Туре	Area	Туре	Area	Туре	Area
Wall	1	50	1	35		
Windows						
Openable						
Fixed			77	4		
Doors						
Entry						
Sliding Glass	104	78				
French						
Wall A/C						
Miscellaneous						

EXTERIOR LEVEL:

	South	West	
CNEL	72.5	69.5	

INTERIOR LEVEL:

	Partition #1	Partition #2	Partition #3	Sum
CNEL	44.3	33.3	0.0	44.6

	Partition #1	Partition #2	Partition #3
Element	OITC	OITC	OITC
Wall	37	37	
Openable Window			
Fixed Window		32	
Entry Door			
Sliding Glass Dr.	32		
French Door			
Wall A/C			
Miscellaneous			

^{*} Analysis based on FHWA-EWR method per E966-99, Section 9.72, with 3 dB correction for room center.

Table III-2. Calculation of Interior Noise Levels *

Client:Mr. Magdi HannaProject No.09.041.00Case:Unit C, 1st Floor BedroomDate:Nov. 4, 2009

NOISE SOURCE:

Source #	Source Name
2	Traffic

SOUND ABSORPTION:

Туре	Area	Material	Туре	Area	Material
6	116	Carpet, 5/16" Pile and Foam			
17	415	1/2" Gypsum Board, Painted			
35	46	Padded Furniture			
16	48	24 oz. Glass Operable Windows (C			

PARTITION ELEMENTS:

	So	uth	W	est		
Element	Туре	Area	Туре	Area	Туре	Area
Wall	1	28	1	98		
Windows						
Openable						
Fixed						
Doors						
Entry						
Sliding Glass	104	48				
French						
Wall A/C						
Miscellaneous						

EXTERIOR LEVEL:

	South	West	
CNEL	72.5	69.5	

INTERIOR LEVEL:

	Partition #1	Partition #2	Partition #3	Sum
CNEL	43.4	37.8	0.0	44.5

	Partition #1	Partition #2	Partition #3
Element	OITC	OITC	OITC
Wall	37	37	
Openable Window			
Fixed Window			
Entry Door			
Sliding Glass Dr.	32		
French Door			
Wall A/C			
Miscellaneous			

^{*} Analysis based on FHWA-EWR method per E966-99, Section 9.72, with 3 dB correction for room center.

Table III-3. Calculation of Interior Noise Levels *

Client:Mr. Magdi HannaProject No.09.041.00Case:Unit B, 1st Floor BedroomDate:Nov. 4, 2009

NOISE SOURCE:

Source #	Source Name
2	Traffic

SOUND ABSORPTION:

Туре	Area	Material	Туре	Area	Material
6	115	Carpet, 5/16" Pile and Foam			
17	409	1/2" Gypsum Board, Painted			
35	46	Padded Furniture			
16	51	24 oz. Glass Operable Windows (C			

PARTITION ELEMENTS:

	So	uth	W	est	Ea	ist
Element	Туре	Area	Туре	Area	Туре	Area
Wall	1	24	1	98		
Windows						
Openable						
Fixed						
Doors						
Entry						
Sliding Glass	104	51				
French						
Wall A/C						
Miscellaneous						

EXTERIOR LEVEL:

	South	West	East
CNEL	72.5	69.5	

INTERIOR LEVEL:

	Partition #1	Partition #2	Partition #3	Sum
CNEL	43.6	37.8	0.0	44.6

	Partition #1	Partition #2	Partition #3
Element	OITC	OITC	OITC
Wall	37	37	
Openable Window			
Fixed Window			
Entry Door			
Sliding Glass Dr.	32		
French Door			
Wall A/C			
Miscellaneous			

^{*} Analysis based on FHWA-EWR method per E966-99, Section 9.72, with 3 dB correction for room center.

Table III-4. Calculation of Interior Noise Levels *

Client: Mr. Magdi Hanna Project No. 09.041.00
Case: Unit D, 2nd Floor Living Room Date: Nov. 4, 2009

NOISE SOURCE:

Source #	Source Name
2	Traffic

SOUND ABSORPTION:

Туре	Area	Material	Туре	Area	Material
6	187	Carpet, 5/16" Pile and Foam			
17	536	1/2" Gypsum Board, Painted			
35	75	Padded Furniture			
16	152	24 oz. Glass Operable Windows (C			

PARTITION ELEMENTS:

	So	uth	West		East	
Element	Туре	Area	Туре	Area	Туре	Area
Wall	1	33	1	104	1	15
Windows						
Openable	207	66			207	30
Fixed			89	8		
Doors						
Entry						
Sliding Glass	108	48				
French						
Wall A/C						
Miscellaneous						

EXTERIOR LEVEL:

	South	West	East	
CNEL	72.5	69.5	69.5	

INTERIOR LEVEL:

	Partition #1	Partition #2	Partition #3	Sum
CNEL	43.1	36.8	34.1	44.4

	Partition #1	Partition #2	Partition #3
Element	OITC	OITC	OITC
Wall	37	37	37
Openable Window	35		35
Fixed Window		34	
Entry Door			
Sliding Glass Dr.	34		
French Door			
Wall A/C			
Miscellaneous			

^{*} Analysis based on FHWA-EWR method per E966-99, Section 9.72, with 3 dB correction for room center.

Table III-5. Calculation of Interior Noise Levels *

Client: Mr. Magdi Hanna Project No. 09.041.00
Case: Unit D, 2nd Floor Dining Room Date: Nov. 4, 2009

NOISE SOURCE:

Source #	Source Name
2	Traffic

SOUND ABSORPTION:

Туре	Area	Material	Туре	Area	Material
6	52	Carpet, 5/16" Pile and Foam			
17	265	1/2" Gypsum Board, Painted			
35	21	Padded Furniture			
16	48	24 oz. Glass Operable Windows (C			

PARTITION ELEMENTS:

	Soi	uth	W	est	Ea	ast
Element	Туре	Area	Туре	Area	Туре	Area
Wall	1	11			1	71
Windows						
Openable						
Fixed						
Doors						
Entry						
Sliding Glass	108	48				
French						
Wall A/C						
Miscellaneous						

EXTERIOR LEVEL:

	South	West	East	
CNEL	72.5	69.5	69.5	

INTERIOR LEVEL:

	Partition #1	Partition #2	Partition #3	Sum
CNEL	44.2	0.0	38.6	45.3

	Partition #1	Partition #2	Partition #3
Element	OITC	OITC	OITC
Wall	37		37
Openable Window			
Fixed Window			
Entry Door			
Sliding Glass Dr.	34		
French Door			
Wall A/C			
Miscellaneous			

^{*} Analysis based on FHWA-EWR method per E966-99, Section 9.72, with 3 dB correction for room center.

Table III-6. Calculation of Interior Noise Levels *

Client: Mr. Magdi Hanna Project No. 09.041.00
Case: Unit C, 2nd Floor Living Room Date: Nov. 4, 2009

NOISE SOURCE:

Source #	Source Name
2	Traffic

SOUND ABSORPTION:

Туре	Area	Material	Туре	Area	Material
6	201	Carpet, 5/16" Pile and Foam			
17	664	1/2" Gypsum Board, Painted			
35	80	Padded Furniture			
16	48	24 oz. Glass Operable Windows (C			

PARTITION ELEMENTS:

	Soi	uth	West		East	
Element	Туре	Area	Туре	Area	Туре	Area
Wall	1	34	1	121	1	15
Windows						
Openable						
Fixed	89	101			89	23
Doors						
Entry						
Sliding Glass					108	40
French						
Wall A/C						
Miscellaneous						

EXTERIOR LEVEL:

	South	West	East	
CNEL	72.5	69.5	69.5	

INTERIOR LEVEL:

	Partition #1	Partition #2	Partition #3	Sum
CNEL	42.3	36.7	37.7	44.4

	Partition #1	Partition #2	Partition #3
Element	OITC	OITC	OITC
Wall	37	37	37
Openable Window			
Fixed Window	34		34
Entry Door			
Sliding Glass Dr.			34
French Door			
Wall A/C			
Miscellaneous			

^{*} Analysis based on FHWA-EWR method per E966-99, Section 9.72, with 3 dB correction for room center.

Table III-7. Calculation of Interior Noise Levels *

Client:Mr. Magdi HannaProject No.09.041.00Case:Unit C, 2nd Floor Dining RoomDate:Nov. 4, 2009

NOISE SOURCE:

Source #	Source Name
2	Traffic

SOUND ABSORPTION:

Туре	Area	Material	Туре	Area	Material
6	108	Carpet, 5/16" Pile and Foam			
17	431	1/2" Gypsum Board, Painted			
35	43	Padded Furniture			
16	54	24 oz. Glass Operable Windows (C			

PARTITION ELEMENTS:

	Soi	uth	W	est	Ea	ast
Element	Туре	Area	Туре	Area	Туре	Area
Wall	1	81			1	103
Windows						
Openable						
Fixed	89	6				
Doors						
Entry						
Sliding Glass	108	48				
French						
Wall A/C						
Miscellaneous						

EXTERIOR LEVEL:

	South	West	East
CNEL	72.5	69.5	69.5

INTERIOR LEVEL:

	Partition #1	Partition #2	Partition #3	Sum
CNEL	44.0	0.0	38.0	45.0

	Partition #1	Partition #2	Partition #3
Element	OITC	OITC	OITC
Wall	37		37
Openable Window			
Fixed Window	34		
Entry Door			
Sliding Glass Dr.	34		
French Door			
Wall A/C			
Miscellaneous			

^{*} Analysis based on FHWA-EWR method per E966-99, Section 9.72, with 3 dB correction for room center.

Table III-8. Calculation of Interior Noise Levels *

Client: Mr. Magdi Hanna Project No. 09.041.00
Case: Unit B, 2nd Floor Living Room Date: Nov. 4, 2009

NOISE SOURCE:

Source #	Source Name
2	Traffic

SOUND ABSORPTION:

Туре	Area	Material	Туре	Area	Material
6	210	Carpet, 5/16" Pile and Foam			
17	615	1/2" Gypsum Board, Painted			
35	84	Padded Furniture			
16	117	24 oz. Glass Operable Windows (C			

PARTITION ELEMENTS:

	Soi	uth	W	est	Ea	ist
Element	Туре	Area	Туре	Area	Туре	Area
Wall	1	72	1	124	1	19
Windows						
Openable						
Fixed	89	65				
Doors						
Entry						
Sliding Glass					108	52
French						
Wall A/C						
Miscellaneous						

EXTERIOR LEVEL:

	South	West	East	
CNEL	72.5	69.5	69.5	

INTERIOR LEVEL:

	Partition #1	Partition #2	Partition #3	Sum
CNEL	41.6	36.7	37.3	43.9

	Partition #1	Partition #2	Partition #3
Element	OITC	OITC	OITC
Wall	37	37	37
Openable Window			
Fixed Window	34		
Entry Door			
Sliding Glass Dr.			34
French Door			
Wall A/C			
Miscellaneous			

^{*} Analysis based on FHWA-EWR method per E966-99, Section 9.72, with 3 dB correction for room center.

Table III-9. Calculation of Interior Noise Levels *

Client:Mr. Magdi HannaProject No.09.041.00Case:Unit B, 2nd Floor Dining RoomDate:Nov. 4, 2009

NOISE SOURCE:

Source #	Source Name
2	Traffic

SOUND ABSORPTION:

Туре	Area	Material	Туре	Area	Material
6	92	Carpet, 5/16" Pile and Foam			
17	382	1/2" Gypsum Board, Painted			
35	37	Padded Furniture			
16	56	24 oz. Glass Operable Windows (C			

PARTITION ELEMENTS:

	Soi	uth	West		East	
Element	Туре	Area	Туре	Area	Туре	Area
Wall	1	28			1	89
Windows						
Openable						
Fixed						
Doors						
Entry						
Sliding Glass	108	56				
French						
Wall A/C						
Miscellaneous						

EXTERIOR LEVEL:

	South	West	East	
CNEL	72.5	69.5	69.5	

INTERIOR LEVEL:

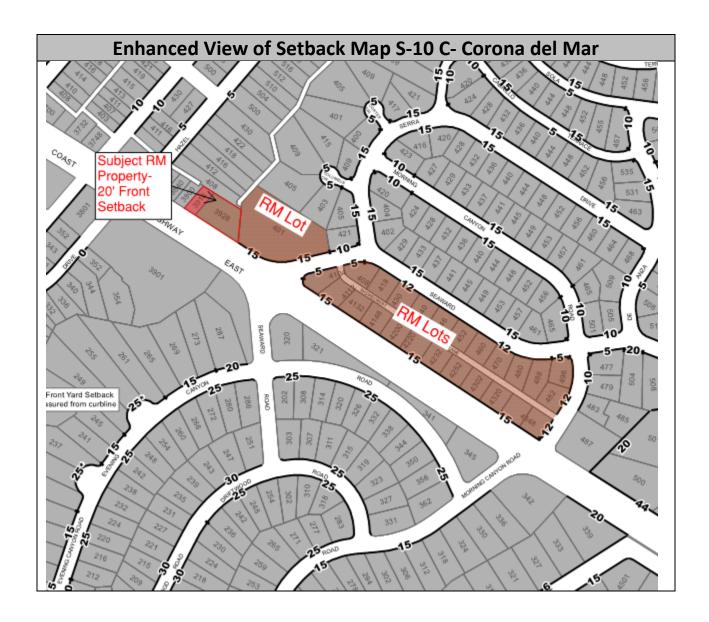
	Partition #1	Partition #2	Partition #3	Sum
CNEL	43.5	0.0	37.8	44.6

	Partition #1	Partition #2	Partition #3
Element	OITC	OITC	OITC
Wall	37		37
Openable Window			
Fixed Window			
Entry Door			
Sliding Glass Dr.	34		
French Door			
Wall A/C			
Miscellaneous			

^{*} Analysis based on FHWA-EWR method per E966-99, Section 9.72, with 3 dB correction for room center.

Attachment No. PC 7

Setback Map



Name: S-10C / October 26, 2010

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Attachment No. PC 8

Tentative Tract Map

